INQUIRY INTO POLICE AND DEPARTMENT OF JUSTICE POLICIES AND PROCEDURES IN CASES OF INTER-SPOUSAL AND INTRA-FAMILY VIOLENCE

REPORT AND RECOMMENDATIONS

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INQUIRY INTO POLICE AND DEPARTMENT OF JUSTICE POLICES AND PROCEDURES IN CASES OF INTER-SPOUSAL AND INTRA-FAMILY VIOLENCE

I

INTRODUCTION

Man is the only animal in all of creation which deliberately inflicts maliciously vindictive violence upon its own kind.

Truly did Robert Burns write:

> Man's inhumanity to man
> Makes countless thousands mourn.

Unfortunately, those who mourn are, more often than not, spousal and child victims of domestic violence, the physically weaker, the financially and socially dependent. Defenceless in themselves, they look with hope, coloured by desperation, to society and, more specifically, to the justice system, to offer the protection and succor which they sorely need.

All too often, they find that it is not available to them; that society and the justice system appears to have failed them. The question may well be asked: did it also fail Carrie Ellen McMurrer, shot down in cold blood by her estranged husband?

The quest for the answers to those issues is the purpose of this Inquiry.

If one were to seek one underlying and widely pervasive misconception going to the very heart of the issue, one need not look far. It may be found in the fact that in a broad segment of society domestic violence, whether intra-spousal or otherwise inter-familial, while not entirely socially acceptable, nevertheless falls into a category somewhat more venial than other forms of physical violence perpetrated upon those more physically equal; that physical violence committed upon the man in the street is not to be tolerated, but rather to be prosecuted to the full extent of the law so that our streets may remain safe for the walking; on the other hand, physical violence committed within the home is strictly an internal family matter, and if the home is thereby no longer safe for the living, that is of little public concern.

So long as this myth remains abroad in the land, accepted, consciously or unconsciously, by those whose mandate is the protection of society as a whole, having particular regard to the protection and safeguarding of those members of society unable to protect and defend themselves; and, in particular, by the system of justice, at all levels; so long will domestic violence continue abroad in the land as a pervasive evil.

Out of the death of Carrie Ellen McMurrer came the request for an inquiry "into the justice system's response to domestic violence".

It is important, at the outset, to define what the parameters of this inquiry are and, more importantly, to define what they are not.

This is not an inquisition into the death of Mrs. McMurrer. This is not an exercise to identify or otherwise attribute fault or negligence on the part of any individual or group of individuals. The focus of this inquiry will not be to identify who, if anyone, might have failed to respond adequately to her cries for assistance.

What this inquiry is, is an effort to examine how the framework and the administrative structure, within which those who must work in the justice system, functions; to look at the mechanism of rules, practices and procedures which dictate the day to day conduct of their affairs; and to make such suggestions and recommendations as may appear in the circumstances to be appropriate.

For the purposes of this inquiry, the system of the administration of justice was considered to consist of four components: the investigative component, comprising the several police forces within the province; the prosecutorial component, as represented by the office of the Crown Prosecutor; the adjudicative component, the courts at the

several levels; and the protection and support component, the probation service, but including as well the family protection branch of the Department of Social Services and other community based support services. Some regard may also be had to any role which society at large may have to play in this whole scheme of things.

Because the inquiry was brought into being as a result of the urgings of the family of the late Carrie Ellen McMurrer, some special attention was given to all of the circumstances surrounding that case which were made available to the inquiry, not so much to criticize or second guess the manner in which it was handled but rather to look upon it as a practical case study.

In a word, the conduct of individuals was not so much the object of scrutiny as was the system itself within which those individuals functioned, and the manner in which the administrative structure of the process of justice responds in time of crisis. The object of the entire exercise was an effort to prevent the tragedy which befell Carrie Ellen McMurrer from being repeated. **Ex tenebris lux**, out of the shadows of the past may come a light for the future.

Two preliminary caveats may be appropriate. None of the several components which constitute together the system of the administration of justice are monolithic.

Each is made up of human beings, men and women who, within their respective fields of competence, are expected to apply their best judgment. They are seldom, if ever, dealing with absolutes. At best, the manner in which each applies his or her best judgment may sometimes be a matter of controversy. At worst, he or she may fall into clear and perceivable error.

As to the former, there is little this inquiry may have to offer. As to the latter, one of its purposes is to suggest what those errors, whether personal or institutional, may have been, and to ensure that the avenues which may have led to, or brought about, any such errors may be eliminated, that they be not repeated in the future.

Secondly, the inquiry concentrated its efforts largely on the narrower area of intra-family violence, spousal assault, and to a lesser extent on violence inflicted upon children by parents or others standing in loco parentis.

It has not directed its attention specifically to the larger, and equally important, subject of sexual abuse or violence in a non-family context. That is a specialized area of study not considered to fall within the present terms of reference.

It was inevitable that there would arise out of this Inquiry recommendations which, while particularly relevant to the specific objects of the Inquiry, might also appear to have application to other and unrelated areas of law enforcement. If this be the case, let them be considered to be an unexpected and unintentional by-product.

II

THE NATURE OF DOMESTIC VIOLENCE

The **Criminal Code** is the compendium of all criminal law in Canada. Nowhere in its more than 800 sections does there appear to be any specific reference to "domestic violence" or, indeed, to violence of any type. Violence is the by-product of assault, and assault is an offence which the **Code** deals with in extensive measure.

Domestic or family violence, by definition and by its very nature, not only involves an assault upon the person of another of the most heinous nature, but also the inflicting of physical or emotional injury by the stronger and dominant partner upon the weaker and subserviently dependent partner.

An assault, within the meaning of the **Code**, is defined as being the act of a person who, without consent, intentionally applies force to another, or who attempts to, or threatens to, apply force to another.

An assault is any violation of the person of another.

Under the criminal law of Canada, the simple act of touching another without consent or, indeed the mere threat to do so, is sufficient to constitute the criminal offence of assault.

Assaults, in law, fall under three categories, depending upon the degree of violence involved.

An assault is "common" when no bodily harms flows therefrom, that is to say, a technical violation of the person of another, but little more.

Seldom, if ever, will a complaint of domestic violence fall under the heading of common assault.

An assault becomes an "assault causing bodily harm" when the consequence of the assault is any hurt or injury, physical or emotional, which interferes with the health or comfort of another, save where that interference is but of a trifling or transient nature.

The **Code** does not require that the hurt or injury be visibly demonstrated by marks or bruises. It is sufficient that the hurt or injury occurred. The existence of such visible manifestations merely contributes to the element of proof, but is by no means essential thereto.

An assault becomes an "aggravated assault" when it results in the wounding, maiming or disfiguring of another, or otherwise endangers the life of another.

By definition, and indeed in law, virtually every incident of domestic violence, whether it be inter-spousal or intra-family, that is to say, child abuse, will invariably constitute either an assault causing bodily harm or an aggravated assault.

The penal consequences of assault depend upon the category under which it falls. The indicated maximum in the case of common assault is incarceration for six months if prosecuted summarily or five years if prosecuted by indictment; in the case of assault causing bodily harm, ten years; in the case of aggravated assault, fourteen years. Neither assault causing bodily harm nor aggravated assault may be prosecuted summarily, but only upon indictment.

It is accepted, of course, that the maximums indicated are the ultimate and most extreme sanctions provided under the law and are seldom, if ever, invoked to that degree.

What is clearly indicated, however, is that, in the view of Parliament, assault, of whatever degree, and in whatever form, is conduct which is not to be tolerated within a civilized society. Spousal assault is no exception to this principle.

By way of comparison, it was the intent of Parliament that he who commits common assault is to be subject to the same penalty in law as is he who drives a motor vehicle in a manner dangerous to the public. He who commits assault causing bodily harm is to be subject to the same penalty in law as is he who drives a motor vehicle in a manner which causes bodily harm to another. He who commits

aggravated assault is to be subject to the same penalty in law as is he who drives a motor vehicle in a manner which causes the death of another.

A reasonable inference to be drawn from this is that it was the clear intent of Parliament that he who commits an assault upon another, of whatever degree, is to be dealt with, under our system of justice, in the same manner in which that system deals with one who operates a motor vehicle in a manner which puts in jeopardy the lives and safety of innocent members of the public.

A reasonably inferential corollary is that Parliament equally contemplated that incidents of assault, especially and including spousal assault, would be investigated, prosecuted and adjudicated upon in the same manner, employing the same resources, with the same vigor, and to the same degree, and would require no higher standard of proof than would incidents of the violation of the law respecting the operation of motor vehicles.

It is well established in law that the offence of assault, including domestic violence in its various forms, is an offence of general intent, that is to say, that it is sufficient that the mere intent to commit an assault exist. If that be the case, it matters not whether he who commits an assault upon his spouse, or whomever, intended its ultimate consequences, be they bodily harm or otherwise

aggravated. Having formed the intent to assault, which can be assumed from the fact that an assault did, in fact, take place, he must live with the consequences, whatever they may be.

Inasmuch as assault, including spousal assault, is an offence of general intent only, the issue of intoxication, ingestion of drugs or even provocation is irrelevant to the specific physical consequences of domestic violence.

The term "domestic violence" is most often construed as being restricted to the more physical forms of inter-spousal conflict. On the other hand, it also contains within its meaning two other component elements which require some passing observation.

It properly includes any form of intra-family conflict which results in physical or emotional injury and, in this regard, in particular, injury inflicted by a parent, or person standing in loco parentis, upon a dependent child.

And, having regard to the latter, while there exist in place under the child protection legislation, effective measures directed toward the protection and safety of the child, there may also exist, concurrently, the need for measures directed towards an appropriate response on the

part of the criminal justice system to deal promptly and effectively with those who, whether deliberately or negligently, cause injury to the child.

It is to be noted that the actual application of physical force is not necessarily an ingredient essential to the offence of assault. The threat alone, whether by act or gesture, to apply force is sufficient to constitute that offence.

It can be argued, with some validity, that the nature of the threat determines the gravity of the assault. If that be so, the threat to cause bodily harm is tantamount to an assault causing bodily harm; the threat to wound, maim, disfigure or endanger the life of the spouse is tantamount to aggravated assault. Any threat, in the circumstances, may be equally injurious physically, psychologically and emotionally, as the act itself.

In the same vein, although not coming strictly within the narrow definition of assault, fall harassment by telephone or, alternatively, intimidation by watching and besetting.

The object of this brief overview of the law as it applies to the various forms of direct and indirect domestic violence is, most assuredly, not to instruct in the law those authorities and other professionals engaged within the several components which constitute the system of the

administration of justice. It is merely an attempt to set the legal backdrop against which much of what follows might better be appreciated.

III

THE HEARINGS

The Inquiry sat both in Summerside and in Charlottetown.

Its terms of reference are to be found in Appendix "A" to this Report.

The procedural modus operandi determined for the hearings is to be found in Appendix "B". This format was followed generally; however, in certain instances, those appearing indicated a preference to make a prepared presentation followed by an informal discussion.

An attempt was made during the course of the proceedings to determine the frequency or prevalence of domestic violence on the Island. It proved difficult to find a reliable statistic. Generally speaking, the operative police forces do not maintain separate records in this regard, but rather include all such incidents under the broad heading of "assault".

The following quotation is from a document entitled "Woman Abuse Protocols", published by the Government of New Brunswick:

> A conservative estimate is that one in ten women, and about 1% of men, are abused by their married or commonlaw partners.

A reliable local source, working actively in the field of spousal violence, estimated that figure to be somewhat higher, 1 in 8 women on the Island being subjected to physical abuse.

In addition, attached hereto as Appendix "C" are figures relating to the local scene compiled by Victim Services which clearly indicate that the problem is Island-wide.

It became quite apparent to the Inquiry that spousal assault and similar forms of intra-family violence occur far more often than one might suspect. It was also made clear that this type of conduct was in no way restricted to any identifiable social or economic group, but cuts a broad swath across every segment of society, regardless of social standing or economic status.

The perceptive observation has been made, however, that the perceived stigma and shame of being known as a victim spouse constituted, among those socially or financially more advantaged, a greater deterrent to the reporting of the incident than might otherwise be the case.

The Inquiry had the benefit of hearing from a wide spectrum of resource people, many of whom were invited to participate, others who volunteered to make themselves available. A list of those appearing appears in Appendix "D".

Virtually all of the participants co-operated fully and without reservation and made full disclosure to the Inquiry of all information which it considered relevant to its objects and purposes.

For this invaluable assistance, the Inquiry expresses its appreciation.

IV

A BRIEF BACKGROUND OF THE McMURRER FAMILY

Carrie Crossman and Kevin McMurrer were married in August of 1981, following a commonlaw relationship of almost three years. That relationship commenced when both were in their late teens.

Of that union were born three children, now ranging in age from 11 to 3 years. The family resided successively in St. Eleanor's, Wilmot, New Annan, again in St. Eleanor's and Wilmot.

The final separation occurred in May of 1989. Kevin, apparently, had some rights of child visitation.

Judging from the somewhat sparse information available, the connubial union, while it existed, was far from idyllic. Kevin did not exhibit a consistent and continuing employment pattern and appears to have indulged, at least to some degree, in the use of alcohol and drugs. Physical violence, which was apparently no stranger to the home, seems to have been the factor which finally triggered the separation.

Diverse views have been expressed as to whether the entire fault for the separation can be laid at the feet of Kevin or whether there was, as there often is, some shared responsibility for it.

In any event, it would appear that Kevin had great difficulty, emotionally, in coping with the fact of separation, particularly but not exclusively, with regard to his separation from the children. Information would also suggest further that Carrie did little to facilitate child visitation for Kevin.

Kevin also appears to have harboured suspicions respecting Carrie's real or imagined ongoing social activities, which further fueled strong feelings of jealousy.

Be that as it may, there followed on the part of Kevin a pattern of physical abuse, threats directed not only towards the life and personal safety of his wife but also of her father as well, and general harassment, all carried out more or less openly, in public view and hearing.

These instances were reputed to have been brought to the attention of the several law enforcement agencies as they occurred. Unfortunately, no effective remedial action was taken.

As well, during the months prior to the shooting, Kevin was undergoing outpatient treatment at the psychiatric unit at the Prince County Hospital for chronic depression and attempted suicide.

From a layman's perspective, with the advantage of being possessed now of the collective aggregate of all relevant information, it would seem that Kevin McMurrer was, in the vernacular, a time bomb walking toward an inevitable and predictable explosion, destined to be life destroying of someone, whether himself, his wife, or some other third party.

Before the fact, however, there existed no common pooling and assessment of critical information.

The sequence of events leading up to the 26th of October 1989 were, each in their own way and in their own degree, tragic. The ultimate tragedy was the murder by shooting on that day, and in broad daylight, of Carrie Ellen McMurrer by her husband, Kevin McMurrer.

V

GENERAL OBSERVATIONS

It became clear as the Inquiry progressed that domestic violence has been the topic of innumerable studies, locally and elsewhere, in recent years. These studies have produced a significant volume of reports and other data, more than can be reasonably absorbed during the course of an investigation such as the present one.

This is, in no way, intended to minimize their value. It does appear, however, that the evil of intra-family physical conflict continues unabated nonetheless.

This Inquiry has attempted to avoid a philosophical approach to the problem, but rather to focus on its more practical aspects.

Much, but not all, of what follows has its roots in either of two threads that ran imperceptibly through the hearings.

The first of those is an attitudinal problem. Not only does it permeate the justice system in most of its facets, it is equally shared by much of the public at large. It is also a problem which is not generally acknowledged to exist at all. Indeed, those within the system frequently deny that there exists any problem of attitude, and do so

conscientiously believing that to be the case, particularly insofar as their own turf is concerned. Officially, that is undoubtedly the case. Individual practice occasionally exhibits a different face to the victim of violence.

Even though that attitude may not be characteristic of each of the several components of the system of justice in their entirety, it is the fact that it exists to any degree, on an individual basis, which creates a public perception that it is all-pervasive. And make no mistake about it, that perception is out there.

The second thread referred to might be termed an internal organizational issue. We are not a province, as are other provinces, either geographically or in numbers of population. We do not have a vast and diverse population scattered far and wide over the broad reaches of the country. We have a small population, some 130,000 people, more or less regionally distributed, with no two people more than 140 miles apart. This demographic factor lends itself, as nowhere else in the country, to regionally and provincially based centralized information bases for the tracking of those who fall afoul of the law. It came as no little surprise, in this day of computer and other electronic aids, that there exists no instantaneous inter-communication among the several law enforcement agencies for the sharing of vital information. The manually

written card index system which continues in use with several of the police forces has no place in today's technology.

Radio communications, where they do exist, are not compatible as between the several police forces or even, in all circumstances, within the same force.

Indeed, there appears to be some reluctance on the part of the federal force to share critical information with their municipal confreres.

Clearly, there was found to exist a demand and requirement for more education on the part of all engaged within the system of justice, from the investigative component through to the adjudicative component, into the area of those family relationships which lead to domestic violence, into the implications of domestic violence itself, into the experiences of those who have been the victims of domestic violence, and into the aftermath of domestic violence.

It is true that there appears to have been a program of seminars for police officers directed towards this subject in the past. The comment was heard that these instructional gatherings were held centrally, rather than regionally; that they were largely attended by "the brass", rather than by those who had to deal with the problems on a day to day basis; that they tended to be somewhat academic

in nature, rather than being focused on the personal experiences of those women who had, personally, been the victims of domestic violence.

A corollary to the foregoing relates to the manner in which a complaint is received. Almost inevitably will the complainant be somewhat emotional at the time. If the immediate response is sympathetic and sensitive, the complainant will be immediately reassured that, at least, she is being taken seriously and that her complaint will be given priority consideration. On the other hand, if she is belittled and ridiculed, and documents put before the Inquiry establish that such a police response has actually occurred, then quite understandingly she and all associated with her lose faith and confidence not only with regard to the particular police force concerned but with the justice system as a whole. Confidence in the system is founded upon confidence in each of its components and that confidence is the product of public perception.

The Inquiry heard frequently that some complainants would feel more comfortable if there were a female officer available to whom they might make their complaint who they would perceive to be more sensitive to their problem.

It was stressed as well that this need, indeed this requirement, for further and ongoing education into the nature of domestic violence and its implications to, and effect upon, the spouse, or child as the case may be, should not be restricted to the police, but should be extended as well to the prosecutorial branch and, indeed, to the members of the court itself.

The view was also expressed that the Bar, and in particular those members of the Bar who have significant family law practices, could benefit from seminars on family violence leading to a better understanding of the problem.

When separation occurs, when difficulties remain unresolved and where emotions on both sides continue to seethe, a letter from a lawyer, couched in dogmatic terms, making arbitrary demands, followed by the threat of drastic measures if those demands are not complied with immediately and forthwith, can, and have been known to, incite a reaction which includes a physically violent response upon the other spouse.

A situation, inherently volatile, requires diplomacy, not dogmatism, a fact that all members of the profession would do well to bear in mind at all times.

Domestic violence is a crime unlike virtually all other crimes.

It is a crime accompanied by physical violence; it has a victim in the narrow sense of the word; it is a crime the purpose of which is to inflict physical pain and suffering upon another; it is a crime the product of emotion, with severe emotional as well as physical consequences; it is a very personal crime.

Consequently, the traditional methods of dealing with it are totally inadequate. Detection, prosecution, conviction and punishment, heretofore deemed adequate in typical cases falling under the Code, constitute only a partial solution to the crime of domestic violence. Among the most personal of all crimes, its effective prosecution requires resources, both physical and personal, beyond the ordinary, if the justice system and its administration is to function effectively.

The educational component, and consequent sensitivity of response, has already been noted.

In this regard, it was disturbing to learn that, specifically in the rural area of East Prince, a complainant has no direct access to the local detachment of the RCMP between 5:00 p.m. and 8:00 a.m.

After 5:00 p.m., all calls, regardless of their point of origin, are automatically routed through Charlottetown where the dispatcher will attempt to raise by radio a patrolling police car, with the request that it

respond to the call. Between the hours of 4 a.m. and 8 a.m. no RCMP cars whatever are on the road. Hopefully, an officer could be roused from his bed to respond.

It is understood this situation, or some modification of it, prevails throughout the Province.

On the other hand, the municipal police forces of both Charlottetown and Summerside provide 24 hour immediate response.

One might safely assume that it would be during the evening and early morning hours that incidents of domestic violence would be the more likely to occur.

Domestic violence is a crime which cannot be dealt with at leisure; personal safety and welfare requires, even demands, immediate response. Equally it demands immediate remedial action.

This can best be accomplished through the medium of accessible safe houses for short term relief and safe havens for longer term relief.

In other jurisdictions, there have been established, on a local basis, safe houses in which a spousal victim, with her children if necessary, can seek refuge, at least overnight pending other arrangements. These are simply a network of local residents' private homes, whose doors are opened in emergency situations. The

local social assistance department extends financial support to cover only out of pocket expenses incurred, such as for additional food costs.

The extension of this particular service is the availability of accommodation to provide longer term refuge. Unfortunately, in this jurisdiction, only one such refuge is now available, located in Charlottetown, and consequently of little immediate use to victims living distant from the capital city.

A common concern expressed throughout the hearings was the essential need for counselling services, and the dearth of qualified persons to perform this critical function.

They serve both a preventive and remedial function.

Local experience has clearly shown that with adequate counselling, before the fact, volatile situations can often be defused, and marriages on the brink of disaster can often be salvaged. Family service agencies play a valuable role in this regard. So also do the court counsellors, who are persons specially trained in the skills of marriage counselling. The Inquiry was amazed to learn that, throughout the entire system, there are only two such

court counsellors, located in Charlottetown. There are none in Summerside or elsewhere in Prince County and none in Kings County.

Counsellors, or rather the absence of them, was an indicated concern. All parties who directed their attention to sentencing procedures stressed the urgent need for mandatory counselling as an essential and integral component of any sentence imposed. Unfortunately, even where such counselling services were available at all, they were limited and subject to lengthy waiting periods. Generally speaking, however, they are totally unavailable. Kings County appears to offer nothing in this regard, although it is understood that the first preliminary steps are now being taken in this regard. Queens County offers little other than the Turning Point program. Prince County offers only a minimal service, largely due to a severe shortage of trained court counsellors or their equivalent.

Inasmuch as family violence was reported to be a learned behaviour rather than a disease somewhat akin to alcoholism, counselling, particularly after the fact, was, in the view of virtually all who addressed the subject, critical on a province-wide basis.

A most discerning, and disturbing, observation was made by one professional in the field. Family violence not infrequently occurs in the physical presence of children.

Studies have apparently indicated that a child who has watched his father batter his mother will, himself, grow up with a poor image of the opposite sex and more often than not himself become a wife beater.

If this be true, it is a further argument in favour of the principle that the justice system should adopt a position of zero tolerance towards domestic violence and that this zero tolerance be reflected by the sanctions imposed.

If breathalyzer offences, generally considered to be summary conviction offences, result in automatic jail sentences as now appears to be the case in most instances, it would appear to follow that cases of domestic violence, which generally fall within the indictable category, should be treated no less severely.

During the course of the inquiry, it became abundantly clear that when a spouse finally made a complaint of domestic violence to the authorities it was seldom, if ever, in consequence of a "first offence" situation.

Inevitably, it would have been the result, and culmination, of an ongoing and extended pattern of abuse inflicted upon the complaining wife by her husband. That abuse was not necessarily characterized by, and restricted to, the imposition of physical force by beating. Included in the pattern would, customarily, have been such things as

threats, verbal abuse, harassment and emotional pressures. The final incident which caused the spouse to conclude, not before time, that she could take it no longer might, or on the other hand might not, have included the infliction of physical force upon her. If, indeed, it did not, she would then have no marks of brutality upon her body to display to the investigating police. Nonetheless, the domestic violence would have been very real.

A survey conducted at Anderson House established that, on average, there would have been at least 35 prior incidents of violence extending over an average period of five years before the victim spouse filed her complaint or otherwise sought refuge for herself and her children from her tormentor.

An appreciation at all levels of the justice system of this phenomenon of ongoing abuse is essential if domestic violence is to be effectively prosecuted throughout the system.

Critical is the realization on the part of the police that they are the point of entry into the justice system for virtually every complainant. Her lasting perception of the concern and effectiveness of the system will almost inevitably be the result of first impressions; how was she received, and treated, by the officer who took her call or complaint; was her word accepted at face value;

or was she asked if she could prove her allegations; was she required to substantiate her allegations by the display of bruises or other marks of physical force; in effect, was she immediately put on the defensive?

Or, despite her possible emotional condition, was she received with courtesy and consideration; was her complaint received and accepted as being prima facie credible; was any inquiry made as to any past history of assault and abuse; was she, as a matter of course, immediately referred to one of several possible support groups in the community?

Presentations made to this Inquiry indicate that while certain police forces do stand high in this regard, Summerside and St. Eleanor's were cited among those as falling within that category, the same could certainly not be said of all forces across the board.

Of all the police forces surveyed, RCMP Summerside was given the lowest grade by support services. Among other things, it was reputed to be unco-operative in the matter of referrals of battered women to support facilities as involving "too much paper work". Neither, from the perspective of the Inquiry, could it be said, as it could be be said of other forces, that it offered the co-operation of full disclosure of relevant and requested information.

A further implication of the battered woman phenomenon must be the realization on the part of both the prosecution and adjudicative components of the system that, in the processing of a charge of domestic violence, they seldom, if ever, are dealing with a "first offence" case, albeit they may be dealing with a first prosecution situation.

Surely, it is the ongoing pattern of events, not merely the isolated triggering occurrence which is, or should be, the crux of the proceeding. Surely, similar fact evidence relating to the problem of abuse is material. Surely, the ultimate disposition must reflect public abhorrence, not only of a single incident of violence, but rather the habitual inflicting, over the years, of physical abuse upon the spouse.

Perhaps an appropriate parallel can be drawn to the prosecution of the equally abhorrent crime of habitual sexual abuse which focuses, not upon any single or isolated incident, but rather upon an ongoing pattern of interrelated incidents. The charge might be framed, in cases of domestic violence, as is frequently done in cases of sexual abuse, to cover the entire period over which the violence occurred: that the accused did, between such and such a date and such and such a date, commit the indictable offence of assault causing bodily harm ...

Before entering upon a more detailed consideration of the issues pertinent to this Inquiry, passing reference might be made to a matter of small moment touching the nature of the process itself.

Some criticism has been leveled at the Inquiry by the media because the hearings were held in camera. Implicit within this criticism was the implication that there was something almost sinister in this approach.

Many aspects of the inquiry touched upon very personal and, indeed, intimate family relationships. Others involved a critique of the system of justice, some by persons who considered themselves not well served by the system, some by those who were a part of it who could see from first hand experience where its weaknesses might lie.

The fact that all who appeared could be assured that they might speak freely, frankly and openly, without the glare of publicity and identification, allowed them to make disclosures, observations and, where appropriate, criticisms which would not have been forthcoming otherwise.

Unquestionably, the work of the Inquiry would have been significantly inhibited and made less effectively comprehensive had any other approach been adopted.

In this regard, it might be appropriate to comment generally on the role of the media with respect to the system of justice, having in mind specifically the impact as it reports cases relating to family matters.

Public perception of the justice system is, in large measure, often the result of the impression conveyed by the media. People tend to believe what they read in the press; what they hear on the radio; what they see on the television screen. This is the power and the influence of the Fourth Estate.

That power and influence, however, imposes a correspondingly grave responsibility. It carries with it the duty of balanced and responsible reporting by individuals knowledgeable in the matter being reported, in a manner inclusive and objective rather than selective and sensational which, unfortunately, is all too often the case.

It was brought to the attention of the Inquiry by witnesses who work within the justice system that, by protocol and tradition, the police are not able to respond publicly, the Crown office is not able to respond publicly, and, most certainly, the judges are not able to respond publicly, when a story appears in print or on air critical of one or other of the components of the system, which is unfounded in fact or which has been insufficiently researched, thus leaving an erroneous or distorted

impression, or is otherwise not fully in accord with the reality of the matter reported. Nevertheless, so far as those who work within the system are concerned, the story must remain unanswered and uncorrected.

The impression conveyed through the media is the impression which remains in the public mind.

This is not to say that the actions and the conduct of the police, the Crown office, the court, or any other component of the justice system is above, or should not be the subject of, scrutiny or reasonable criticism. Nor should any of them have any wish to be.

Each will function the better with the knowledge that its actions and its conduct is the subject of ongoing and public scrutiny. On the other hand, each has the right to the assurance that such scrutiny is being carried out in a fair and honest manner, even-handed and balanced, rather than in a manner pointedly directed at ferreting out any deficiencies which may exist without regard to the total context in which those deficiencies might occur.

Those who would be publicly critical of public institutions, including the justice system, have a professional duty and responsibility to their respective medium, to the public, and particularly to the object of their criticism, to do so professionally, objectively, with full knowledge and full disclosure of all the facts.

The right of the media to be present at, and to report on, judicial or quasi-judicial proceedings is founded on the right of the public to be informed. The essence of the right of the public to be informed is the right to be **fully**, not selectively, informed, from an unbiased or otherwise unslanted perspective rather than from a perspective of sensationalism or negativism.

All too often, the Inquiry was informed, the latter has been the chosen media approach. It is an approach which results, in effect, in a form of news censorship by the media itself.

If the public has a low regard for the system of justice, that opinion may possibly, and in part, be traced back directly to the manner in which the media reports upon it. And if the public has little regard for it, then the system of justice cannot operate as effectively as it could and, indeed, should.

It is a cardinal principle of law that justice must not only be done but must clearly and manifestly be seen to have been done. It is suggested that the media might adopt as a cardinal principle of its reportage that it not only do justice to the object of its attention, but also that it clearly and manifestly be seen to have done justice in the manner of its reporting.

VI

THE BATTERED WOMAN
HER PROFILE AND HER STORY

Attached hereto, and constituting Appendix "E", is a profile of the battered woman.

Attached also, and constituting Appendix "F" is the story, told in their own words, of three battered women.

The tapes have been edited only to the extent that might have appeared necessary to delete any references to anything by which any individual might have been identified.

Each of the women came forward voluntarily because each felt that she had a message which those within the justice system, as well as the public, should hear and understand, the stark reality of what it means to be a battered woman.

PART VII

INQUIRY INTO COMPLAINTS AND ALLEGATIONS BY AND/OR ON BEHALF OF CARRIE ELLEN McMURRER

Specific to the Terms of Reference for this Inquiry is the following instruction:

> To conduct an inquiry and investigation into complaints and allegations made, and requests for assistance, by or on behalf of Carrie Ellen McMurrer, and/or members of her family, relative to the conduct of her husband, Kevin McMurrer; and with respect thereto, in the response to, and actions taken by members of the municipal police, or officers of the Royal Canadian Mounted Police, or of the Department of Justice during the year 1989.

To this end, the Inquiry secured copies of all police records of the Summerside detachment of the RCMP and the municipal police of St. Eleanor's and the Town of Summerside.

The chronology which follows sets out, in the case of the Summerside Police, a copy of the actual entry extracted from the daily Occurrence Sheet and, in the case of the RCMP, a brief condensation of the Record of Complaint since the method of reporting in the latter instance uses a different format. The records of the St. Eleanor's Police show no calls by or on behalf of Carrie Ellen McMurrer.

CHRONOLOGY OF COMPLAINTS

DATE	POLICE DEPT.	COMPLAINT AND RESPONSE
10 May 1989	Summerside Police	Mrs. Elmer Crossman, 150 Linden Ave. reports that Kevin McMurrer is married to her daughter Kerry. She said they have broken up and he assaulted her last week in Wilmot Valley, and was just at the house threatening her. She was advised to attend at the RCMP for assault charges and if she wanted charges for the threats that we could deal with those.
10 May	RCMP	Carrie McMurrer attended at the office and filed a complaint of assault against Kevin, accompanied by a written statement. No action appears to have been taken. File remained "in limbo" for 5 weeks until June 11.
10 May	Summerside Police	RCMP advises wife of Kevin McMurrer moved to 151 Linden Ave. She is separated from her husband Kevin but he has a record of assaulting her. We may be receiving calls to this residence. He has no record but he can be violent if we answer calls there.
24 May	Summerside Police	Mrs. McMurrer called re her X husband Kevin at her place on Linden Ave. causing trouble. Car 1 to area and then she called back saying he was gone.
8 June	Summerside Police	Lady called from 150 Linden Ave. re: child not breathing. Ambulance called. Cars 1 & 4 to scene. Lady called back to say that family got child revived and are taking him to PCH themselves. Ambulance and patrols notified.

DATE	POLICE DEPT.	COMPLAINT AND RESPONSE
10/11 June (2059 hrs.)	Summerside Police	Call from Karen McMurrer at 151 Linden Ave. Husband Kevin just came and took son Travis and took off. Driving a cream coloured half ton truck.
(0306 hrs.)		Bill Bowness, 151 Linden Ave. reports Kevin McMurrer at his door pounding and he does not want him there. Request we get him away from his house. Patrol to area.
(0310 hrs.)		Patrol arrested Kevin McMurrer charged disturbance, sec. 175(1)(i) C.C. Kevin McMurrer also charged sec. 264.1(1)(a) C.C. ATT. DAY SHIFT: Please look into an undertaking to stay away from the victim. These two presently separated. Apparently he has visiting rights, and takes the children every second weekend. McMurrer appears quite unstable and is up and down in moods. Witnesses to be contacted re statements in this matter. Please photograph and fingerprinting. (Written statements of Carrie McMurrer and three witnesses on file.)
15 June	RCMP	File relating to complaint of 10 May "resurrected". Both Carrie and Kevin contacted and apparently gave conflicting statements. Carrie told to follow the advice of her lawyer, "also told about purgery [sic] and public mischief".

CHRONOLOGY OF COMPLAINTS cont'd.

DATE	POLICE DEPT.	COMPLAINT AND RESPONSE
16 July	Summerside Police	McMurrer taken before J.P., released on undertaking, conditions. Photo and prints also taken. (Two Informations were laid, one charging the uttering of a threat [s. 264.1(1)(a)] and one having two counts, causing a disturbance [s. 175(1)(a)(i)] and breach of terms of undertaking [s. 145(3)(b)]. The latter Information was stayed. Photo and prints taken. Undertaking on file.)
21 July	Summerside Police	Cst. Dowling working on Carrie McMurrer file most of afternoon. Kevin McMurrer to be charged with breach of an undertaking and brought before Terry McEwen for a remand, Terry wants me to call her if we locate him. The breach Information has been laid before the court.
21/22 July	Summerside Police	Carrie McMurrer called re Kevin there now in violation of recent undertaking. Csts. MacKay and Emery to 151 Linden Ave. Terry at courthouse contacted and will remand him until Mon. a.m. (copy of undertaking, warrant for arrest and Information on file.)
27/28 Sept	Summerside Police	Received call from Cst. MacLean [RCMP] who in turn received a call from Karry McMurrer, 151 Linden Ave. She is separated from her husband Kevin and she has custody of their three kids age 2, 4 and 10. Apparently he was supposed to have them returned home by 8:30 p.m. and he hasn't been heard from since. Sgt. Poirier to Linden Ave. to speak to Karry.

DATE	POLICE DEPT.	COMPLAINT AND RESPONSE
27\28 Sept cont'd		Attached thereto was a "Supplementary Report" dated 28 September written as a follow-up by Sgt. Poirier. It reads as follows: This writer went to see the complainant at approx. 0100 hrs as kids had not arrived home yet and viewed the custody order which confirmed the A/M time which Kevin is supposed to abide by. While this writer was at 151 Linden Ave. Carrie McMurrer received a call from Kevin's father Kenny McMurrer, Albany 855-2336 who states kids are all right and will bring them back to her. Mrs. McMurrer to see her lawyer in AM re Kevin breaking the terms of his custody order. McMurrer supposed to be driving an 83 Maroon Sunbird. 28/Sept/89 0420 hrs. Call from Carrie McMurrer re got a call from Kevin's brother Allan from Albany and he stated that Kevin was across with kids and would be taking the first boat this AM from Cape Tormentine. Carries states she believes Allan and would wait until the AM to see if her husband shows up. If in fact Kevin does not show up with the kids might have to look at the possibility of getting a warrant for McMurrer re Section 282 C.C. [abduction in contravention of custody order]. Carrie has a copy of the Supreme Court Custody Order at 151 Linden Ave. if needed. Invest. to continue. Carrie was advised to call S'Side P.D. when kids arrive home. Cst. MacKay was asked to check with Mrs. McMurrer later in the AM to see if the kids were returned. Learned at a later date that the kids had been returned.

CHRONOLOGY OF COMPLAINTS cont'd.

DATE	POLICE DEPT.	COMPLAINT AND RESPONSE
14 Oct.	Summerside Police	Call from Carrie McMurrer 150 Linden re ex following her around (Kevin McMurrer). Restraining Order against Kevin to keep away from Carrie. Car 3 to speak to Carrie.
17 Oct.	Summerside Police	Stephen McKnight calling for Carrie McMurrer reports that her ex-husband Kevin McMurrer threatened her today thus violating his Probation order. Cst. Dowling checking. See Occ. report. The General Occurrence Report attached reads: A/M [Carrie McMurrer] reports that she is separated from her husband Kevin Kenneth McMurrer, DOB 04/06/61. She states that he has been constantly following her, talking to her, and even making threats towards her, such as "I'll blow your fucking head off". This occurred over the past couple of weeks. Mr. McMurrer is presently on Probation for the offence of uttering threats (against Mrs. McMurrer). Sec. 264.1(a)(a) CC. Date 30/08/89. She states she is very afraid of Kevin and feels that he is capable of carrying out his threats if given the "right" circumstances. Mrs. McMurrer reports that it is her belief that Kevin has recently come into possession of a 22 calibre weapon. This information given to her by Kevin's brother-in-law Allan Noonan of Borden. 1947 hrs. 18 Oct 1989 Statement taken from Carrie McMurrer. 2100 hrs. 18 Oct 1989 Statement taken from Elmer Crossman (Carrie's Father). Probation services to be contacted as Kevin is presently on Probation. Re A/M charge of uttering threats, more statements to be obtained regarding this matter. Investigation to continue.

CHRONOLOGY OF COMPLAINTS cont'd.

DATE	POLICE DEPT.	COMPLAINT AND RESPONSE
18 Oct.	Summerside Police	Cst. Dowling taking statement from Mrs. McMurrer re threats on her life by her husband Kevin McMurrer.
19 Oct.	Summerside Police	Sgt. Poirier meeting with Crown re ... and McMurrer cases.
20 Oct.	Summerside Police	Kevin McMurrer charged s. 740(1) C.C. Breach of probation. (Information is on file and attached hereto is a copy of Crown brief prepared by Cst. Dowling.)

---- CROWN BRIEF ----

CUSED:.....KEVIN KENNETH MCMURRER.
O.B. :.....04 JUNE 1961.
DRESS:.....ALBANY, P.E.I.
FENCE:.....SECTION 740 (1) CRIMINAL CODE OF CANADA.
FENCE DATE:.....14/17 OCTOBER 1989.
VESTIGATING OFFICER: CST. R.J. DOWLING #118.

ON THE 17TH OCTOBER, 1989 CARRIE ELLEN MCMURRER OF 151 LINDEN AVE., MPLAINED BY TELEPHONE TO THIS DEPARTMENT THAT SHE WAS BEING THREATENED BY R HUSBAND (SEPARATED) KEVIN MCMURRER ON THIS DATE, AND VARIOUS OTHER DATES WELL. ON 14 OCT. 89 HER AND HER FATHER WERE FOLLOWED TO TIM HORTON'S DONUT OP BY THE ACCUSED, AND WHILE THERE, APPARANTLY DIRECTED SOME VERBAL ABUSE, WELL AS THREATS TOWARDS THE VICTIM, AND HER FATHER. ON 17 OCT. 89 THE CUSED APPARANTLY APPROACHED THE VICTIM AT HER PLACE OF EMPLOYMENT, MID-WAY TO CENTRE NOTRE DAME ST. WHILE THERE ATTEMPTED TO MAKE CONVERSATION WITH S. MCMURRER, DESPITE HER INSISTENCE THAT SHE HAD NOTHING THAT SHE WANTED TO SCUSS WITH HIM AT THAT TIME. THE ACCUSED THEN DIRECTED THE FOLLOWING THREATS WARDS HER.."I'LL BLOW YOUR FUCKING HEAD OFF", "I'LL GET EVEN WITH YOU", AND 'LL GET YOU ALONE SOMETIME". APPARANTLY SOME VERBAL ABUSE WAS ALSO DIRECTED WARDS HER AT THIS TIME AS WELL. IT SHOULD BE NOTED THAT THE VICTIM IS AFRAID THE ACCUSED, AND CLAIMS IN HER STATEMENT THAT SHE FEELS HE IS CAPABLE OF ING HER HARM. THE ACCUSED IS PRESENTLY ON PROBATION DUE TO A CONVICTION ROUGH A PLEA OF GUILTY ON 16 JULY 1989 OF UTTERING A THREAT TO CARRIE MURRER TO CAUSE DEATH TO HER CONTRARY TO SECTION 264.1 (1)(A). STATEMENTS VE BEEN TAKEN FROM THE VICTIM, AND HER FATHER, ELMER CLAYTON CROSSMAN OF 150 NDEN AVE. AND IT WOULD APPEAR THAT THE ACCUSED HAS ON OCCASIONS OTHER THAN OSE PREVIOUSLY MENTIONED, MADE CONTACT WITH THE ACCUSED IN PERSON, AND BY LEPHONE WITHOUT HER CONSENT, OR ENTICEMENT, THUS VIOLATING THE TERMS OF E PROBATION ORDER ISSUED TO HIM ON 30 AUGUST 1989.

SUBMITTED FOR YOUR
INFORMATION

CST. R.J. Dowling

CST. R.J. DOWLING #118.

Sequence of events regarding S.P.D. File McMurrer; Carrie Ellen
Occurance number 12418-89.

17 October 1989.
Occ. #12418-89.
1345hrs.

Stephen McKnight phoned station..Claimed to be Carrie McMurrers Lawyer. Reported that she was threatened this date by her husband (EX) Kevin McMurrer. Mr. McKnight advised to have Mrs. McMurrer to file complaint with this office personally.

1548hrs.

Checked Micro-Fiche for vehicle operated by Kevin McMurrer..Did 10-28, and 10-29 on McMurrer and his vehicle..

1630hrs.

Mrs. McMurrer lodged complaint personally by telephone, to Cst. Dowling. Advised to come in to the station on 18 October 1989, after 7:00p.m. to give written statement regarding threats made to her by her Ex-Husband..

18 October 1989.
Occ. #12467-89.
1900hrs.

Phoned Carrie McMurrer regarding her comming in for statement..

1947hrs.

Mrs. McMurrer gave statement RE: Threats made to her by her husband Kevin McMurrer. 52 Minute duration, (Written part only). Gave indication that her Father, Elmer Crossman may be witness to an incident of Uttering by Kevin. I informed her to have him come in for statement as well.

2120hrs.

Statement taken from Mr. Crossman. 45 Minute duration, (Written part only).

During the time I dealt with Mrs McMurrer this date RE: This matter, I advised her of the following..Write down any thing said to her by Kevin by phone, or in person, record any incident, e.g. being followed by Kevin, or approached in person. Advised to contact Police if personal contact made. I advised Mr. Crossman to remind Mrs. McMurrer of the above noted..

Personal notes made by Carrie McMurrer regarding contact made to her by Kevin recieved from her this date..

18/19 October 1989.
0700hrs.

Request made to Sgt. Poirier to take file for viewing by Crown, RE: Uttering threats..Advised would do so if time permitted..

1900hrs.

Advised by Sgt. Poirier that Crown advised that I go ahead with A charge of breach of probation, as opposed to Uttering Threats..

19/20 October 1989.
0630hrs.

General Occurance Report made..Occ. #12418-89. Charge of Breach of Probation prepared, Information, Crown Brief, etc. copy of occurance added to court jacket.

0700hrs.

Spoke with Sgt. Newson at beginning of his Platoon shift..Advised of situation, and that McMurrer was possibly staying at the Mulberry Motel, Wilmot. Rquested his Platoon look for McMurrer, and arrest if time permitted.

Spoke with Cpl. sharp before leaving RE: Laying of information..RE: Summary conviction offence of Breach of Probation..

0700hrs.

Off duty regular shift duties..Day's off..Court jacket left at front desk, for members information, should they come accross Kevin McMurrer.

24 October 1989.

Back on regular shift duties..Court jacket still at main desk..
I checked the Mulberry Motel parking lot for McMurrer vehicle, as per the 10-28, and description by Mrs. McMurrer in her statement. Also knowing what Kevin McMurrer looks like, having prior dealings with him, I was watching for him during patrol..As "A" Platoon was short shifted this date, (Sgt. Arsenault and myself) the majority of the day was spent manning the office desk. as shift report will reflect.

25 October 1989. Approxminatly 1100hrs.

Advised Cst. Walker of situation with this file..Went to Mulberry Motel with Cst. Walker, to look for McMurrer. Looked for known vehicle, negative..Spoke with Motel management, to ensure that McMurrer was still in fact staying there. It was verified that he was, and was staying in unit #2..But was at home very little. Landlady stated they had been watching for him, as was A couple of week's late with his rent. Advised to not mention to Mr. McMurrer that the Police were there looking for him..

Approxminatly 1300hrs.

As I had not heard from Mrs. McMurrer through direct conversation, or by messages left for me by her, I phoned Mid-Way Auto to contact her. I spoke with her Father Elmer Crossman at this time, as Mrs. McMurrer was not at work at this time. Asked him if he was aware of any contact made with Carrie by Kevin in the recent past. He advised that he believed there was, and that he had been talking to Kevin by phone recently..I requested that he have Mrs. McMurrer phone me when she returned to work.

Approxminatly 1400hrs.

Mrs. McMurrer contacted me by phone from Mid-Way Auto. When she was asked if she had any contact with Kevin recently, since I last spoke with her, she replied that she had..I asked if she had been keeping written account of dates, times, and commentary as advised to do on 18 Oct.89. She stated she has A pad by the phone for this purpose, but didn't always use it because she didn't like it to be out in the open where others could see it. She stated she found it hard to remember times, and verbal content. I advised her to get A scribbler, or loose-leaf paper, to start A journal, and record as soon afterwards as possible any contact made, or verbal statements, threats etc. Informed her at this time that A charge of Breach of Probation had been laid, and that Kevin had not been located by this department to date, but will be arrested when he is located. She stated thet Kevin had been into Mid-Way Auto at dinner time, the past couple of day's..Advised her again to call this department if any personal contact is made with her by Kevin. Advised her that this department is aware of situation, and attempts to locate Kevin would continue. Advised her to come into the station on 26 Oct. 89, for addition to her statement RE: Recent threat, and to bring any additional personal notes that she may have made..

The above mentioned is A true recount of my activities in regards to the file Occurance #12418-89, to the best of my recollection, and memory..Any deviation, or ommission of actual accounts is not intentional to the best of my knowledge, and belief..

Cst./R.J. Dowling #118.

The murder occurred about noon on October 26, 1989 at her place of employment.

The Inquiry was most highly impressed by the professional manner in which the officers of the Summerside Town Police dealt with the McMurrer case on a day to day basis, as well as by the equally professional manner in which they prepared and presented their documentation and the openness with which they testified before the Inquiry.

The same, unfortunately, cannot be said for the RCMP Summerside detachment.

A second cause of concern for the Inquiry arises out of allegations made by Judy Crossman, sister of Carrie Ellen McMurrer.

According to those allegations, she accompanied her sister to the RCMP detachment offices in Summerside when she, Carrie, filed her complaint of 10 May 1989, above noted. She was not impressed by the reception they received. Upon their return to the house and after discussing what had transpired at that office, Judy Crossman phoned and spoke to the officer with whom they had been speaking earlier.

If the version of that call as given by Miss Crossman can be accepted at face value, and there is nothing on the record before this Inquiry to indicate that it cannot be, the officer responded in an insensitive, rude and,

indeed, in a belittling manner. Following the death of Carrie McMurrer, Miss Crossman again called and spoke to the same officer, who simply asked, "What is the point of this call?" and hung up.

As a result, Miss Crossman filed an official complaint against the officer.

The Inquiry was informed that an internal investigation had been held as a result of this complaint.

Though urgently and repeatedly requested to do so, officers of the Force adamantly refused to disclose the results of the investigation, or even the nature of those results. Consequently, the Inquiry has no way of knowing whether the officer in question was reprimanded or commended; whether his conduct was condemned or condoned.

PART VIII

THE TESTIMONY OF KEVIN McMURRER

The Inquiry was subject to some criticism, both through the media and directly, in that it did not hear the testimony of Kevin McMurrer himself, when requested to do so.

The fact that Mr. McMurrer is an inmate in a Federal Penitentiary serving his sentence for murder created logistical problems surrounding his transportation and security.

Following an application made on his behalf to the Penitentiary authorities for his temporary absence to attend before the Inquiry, arrangements were, in fact, made for secure accommodations in which a hearing might be held. Time was allocated for the purpose.

However, the Inquiry was informed that the Parole Board denied Mr. McMurrer's application for leave.

Accordingly, it was agreed that, in lieu of his direct testimony, he might make a written presentation. This he did, as did nine other persons in his support.

The Inquiry has given careful consideration to all of such written material. Little of it was deemed to be relevant, having regard to the somewhat narrow terms of reference. Some of it, unfortunately, might be considered to border on actionable defamatory libel.

IX

RECOMMENDATIONS

PREAMBLE

During the course of the Inquiry, some forty-five resource persons were heard from, each of whom we believe to be credible. Some of these have provided, in addition to their oral testimony, written resource material as well.

In addition, 12 other individuals or organizations either chose not to attend or were unable to attend and each of these filed written presentations.

As the evidence and the representations unfolded, it became clear that certain themes were recurring consistently. Individual experiences also produced individual perceptions.

Out of this massive volume of material, an attempt has been made to distill the most significant elements and to translate them into appropriate recommendations or suggestions.

Certain of these may, on the face of them, appear to have little specific or otherwise immediate bearing on the narrow subject of domestic violence. They relate more directly to the broader area of the system of justice itself. It was the view of the Inquiry however that the

more efficient and effective was that system the better would it function when applied to the area of family violence.

On the other hand, if certain of the recommendations might be perceived as being overly narrow in their thrust, the explanation, if one be needed, is simple.

Domestic violence is, of its very essence, a crime of violence directed repetitively, and over an extended period of time, against a pre-selected victim. Unlike most other crimes, it has no profit motive. Its sole purpose is sadistic, the inflicting of pain, physical and emotional, upon a weaker and defenceless person.

This is what sets it apart from other criminal offences. Accordingly, certain emphasis and highlighting which might not otherwise be relevant is particularly relevant here.

It is the one of the few offences which, inherently, places in jeopardy the health, and often the lives, of the spouses and children of the perpetrators.

From the number of the recommendations and suggestions which follow, it might be inferred that the entire system of justice lies in shambles. That would be a totally erroneous inference.

Many of its elements do function, and function very well indeed. And within every element there toil individuals who consistently exhibit a sensitive and appreciative understanding of what is expected of them in difficult and often highly personal and emotional situations.

THE POLICE

A "Protocol" is the term used in police circles for that document which describes and defines the rules, practices, procedures and guidelines expected to be adhered to in any given situation and, as it has any bearing on the subject of this inquiry, to situations of domestic violence in particular. It is generally considered to be an internal document.

Each force interviewed either had such a document or thought that it probably had.

So far as could be judged from the material filed, the several protocols were not uniformly consistent.

It was the general consensus, both within and without the police structure, that a single, comprehensive, and uniformly applicable protocol would be desirable.

Inasmuch as the common protocol would, inter alia, define the modus operandi of police response to a complaint of domestic violence, the response would, accordingly, be consistent, subject to any locally unique circumstances, throughout the Island, whether in urban or rural areas.

It was the consensus among the several support services that it would be desirable, as well, that the protocol, as it applied to domestic violence, not be retained as a confidential and in-house document but be made available for the information of appropriate groups working in that field. Thus they would be able to advise their clients with regard to the making of a complaint, and the immediate consequences thereof; the victim spouse might have the security in knowing precisely what police response her complaint might receive; and that the perpetrator might understand precisely what police response he, himself, might expect.

IT IS THEREFORE RECOMMENDED
that the several municipal police forces, together with the RCMP, meet and, in concert, devise and adopt a Protocol directed specifically to the matter of domestic violence, common and applicable to all, and having the effect of a Standing Order

IT IS FURTHER RECOMMENDED
that the contents and substance of such Protocol be made available to the several domestic violence support services in each area, as well as to the local regional services centres.

The evidence before the Inquiry indicated that police services on the Island are provided by five municipal forces, located respectively in Charlottetown, Summerside, Kensington, St. Eleanor's and Borden, as well by seven detachments of the RCMP, located respectively at Charlottetown, Sherwood, Summerside, Borden, Alberton, Montague and Souris.

Although the total area served is relatively small and compact both geographically and demographically, giving a situation which one might reasonably expect to engender cohesion among all, such would not appear to be the case in reality.

The several forces seldom, if ever, meet as a group. Other than by telephone, there is no common communication linkage. There is no common computer data base. Although two forces might police immediately adjacent jurisdictions or, possibly, even overlapping jurisdictions, there is no free interchange of what might be referred to as "police information" among them, save possibly, and internally, between separate RCMP detachments.

What exists appears to be a fragmented policing system which, in this day of easy and immediate mobility between communities, is, to put the best face on it, archaic

and inefficient as a collectivity, regardless of how effective or efficient each of its several parts may be internally.

It might be said that it is easier for a criminal suspect to move from one jurisdiction to another than it is for information to cross jurisdictional boundary lines.

Even if a more ready system of intercommunication were to be devised and installed, there appears to be a certain reluctance on the part of certain elements of the Island police system to share significant information with another element.

Inasmuch as all forces are engaged in the same enterprise, that is to say, the protection of lives, safety, and property of the public, the public weal would appear to supersede all other factors of a more parochial nature. The public is entitled to the most effective and efficient police system obtainable for the money which is invested in it.

It seems not illogical that the more interrelating, interlocking and intercommunicating are the several segments of the system, the more effective and efficient will be that system.

IT IS THEREFORE RECOMMENDED
that the several police forces engaged in police duties on the Island meet together on a regular basis to consider and discuss matters of mutual concern;

IT IS FURTHER RECOMMENDED
that at such meetings, held quarterly or as often otherwise as circumstances require, there be a free and mutual exchange of information touching specific matters of mutual concern in the interests of public welfare, safety and security;

IT IS FURTHER RECOMMENDED
that in order to provide instant intercommunication between the several forces, both municipal and federal, a common computerized system of information storage and distribution be established and made fully accessible to all forces.

The following question was put to each police force which appeared before the Inquiry:

> Do you feel that you, and the officers of your force, are adequately educated and trained to deal with situations of domestic violence?

In each case, and without hesitation, the answer was most emphatically in the affirmative. Unfortunately, this was not an opinion totally shared by those outside police circles. The more convincing evidence received by the Inquiry falls heavily on the side of those who suggest that the education and training seminars now provided to the police services are inadequate to meet basic requirements.

This is not to say that all police officers are insensitive to the trauma of the battered woman. On the contrary, evidence before the Inquiry clearly established

that there are some officers with respect to whom women victims had nothing but the highest of praise. Unfortunately, there appear to have been other officers who fell to the opposite end of the spectrum.

The fault of the latter cannot always be placed upon the officers themselves.

The nature of the police response, in individual cases, will be a direct reflection of the attitude of that particular officer to the plight of a woman involved in domestic violence. To a large degree, attitude can be moulded by proper education and training.

There exists a perception that the younger officers, who are the product of the Atlantic Police Academy training, were likely to have a greater sensitivity and a more positive attitude in their response.

A representative of the Academy provided curriculum information to the Inquiry. It would appear that in its recruit program some 70 hours training in "crisis intervention" is provided, of which some 2-1/2 days are devoted specifically to situations of domestic violence. In its "post-graduate" course, the most recent of which was held last spring, consisting of some 58 hours of "crisis intervention", only 3 hours were allotted to domestic violence.

Parenthetically, it might be observed that, although the several Island police forces had a total of four places assigned in the latter course, none were taken up.

Experience now shows clearly that domestic, or family, violence is one of the more prevalent criminal offences occurring in the country, and particularly within this Province. Its prevalence far exceeds that of the more routine type of offences.

This leads to the suggestion that, in any course of training of police recruits, more time, proportionately, might be considered for allotment to this critical subject.

As well, inasmuch as spousal conflict, particularly in the immediate post-separation period, arises over custodial and child visitation problems, some emphasis might be placed on the law as it relates thereto.

IT IS THEREFORE SUGGESTED
that those in charge of curriculum planning at the Atlantic Police Academy might give consideration to adjusting its time allocation to reflect the magnitude of the problem of domestic and family violence.

IT IS FURTHER SUGGESTED
that the curriculum include courses which specifically focus on the legal implications of the **Custody, Jurisdiction and Enforcement Act**, as well as other provincial legislation directed toward parental and custodial rights.

The Inquiry has been informed that there are held, from time to time, throughout the Province, seminars touching upon, among other things, the issue of domestic violence. It was further informed that such seminars have, at least in some instances, adopted the innovative practice of using as one resource person a woman who has had personal experience as a victim of family violence. This is, unquestionably, a progressive step.

It has been suggested, however, that more often than not, these sessions were more likely to be attended by senior administrative officers rather than by those more junior officers who man the front line.

These seminars are designed, in part, to alter attitudes towards domestic violence and, accordingly, can be beneficial to all who may attend. It would appear not unreasonable that, from a purely practical point of view, attendance by officers on the beat would be particularly beneficial.

The Inquiry was not provided with any particulars of the in-service training accorded to recruits of the RCMP in the area of domestic violence. Consequently, it is in no position to comment upon it. It is the understanding of the Inquiry, however, that officers of the federal force are not regular participants in seminars of local origin.

This is perceived to be a disadvantage, inasmuch as it engenders possible inconsistency in attitude and approach. As well, if the curriculum of the seminar includes an examination of parental rights as prescribed by the relevant provincial legislation, members of the federal force might well not be adequately informed with respect to one of the significant triggering causes of family violence and, as a result, might act on a false premise or, alternatively, give advice, to one or other of the participants in a domestic dispute, not well founded in law.

IT IS THEREFORE RECOMMENDED
that the practice of organizing seminars on an ongoing basis, focused on the subject of domestic violence, be continued and, if possible, be expanded as a program of continuing education and training available to all members of all police forces operating in the Province;

IT IS FURTHER RECOMMENDED
that such seminars expand their curriculum to include an examination of provincial legislation which determines parental rights of child custody, child visitation, possession of the matrimonial home, and such other family issues as frequently give rise to internal violence;

IT IS FURTHER RECOMMENDED
that wherever and as often as possible, one of the principal resource persons be a woman who has, herself, been a victim of domestic violence;

IT IS FURTHER RECOMMENDED
that the RCMP, if they are not already active participants and involved in such seminars, should, in the interests of

consistency of education and training, as well as familiarization with the local statute law as it relates to internal family matters, be strongly encouraged to attend and to participate actively.

Inasmuch as it appears to be the practice within the RCMP to transfer officers, not only from one detachment to another but, as well, from one division to another, it has been observed that officers coming to the Island from another jurisdiction are frequently lacking in knowledge and information relating specifically to support services available to victims of domestic violence within the region.

They are, therefore, at a disadvantage when it comes to the matter, for instance, of referring such victims to the nearest available support group. Which, of course, operates to the even greater disadvantage of the victim, and any children, involved in a situation of domestic violence.

IT IS THEREFORE RECOMMENDED
that whenever an RCMP officer is transferred to a new posting in Prince Edward Island, he be fully briefed, immediately and as a first priority, on the family support services available with the particular police jurisdiction; the special services offered by each, the names of their personnel, together with locations and phone numbers.

There is a general consensus that since McMurrer there has been a greater awareness on the part of many involved in the justice system regarding the impact of domestic violence. This is particularly so in situations which are characterized by the actual application of physical force.

Concern has been expressed where the circumstances are such that they are characterized by the threat of the use of a firearm against a spouse. This had special application in the McMurrer case some days prior to the actual shooting. Other instances of the same nature have been referred to the Inquiry; fortunately none of those went so far as the use of the firearm, although the threat was very real.

The police appear to be powerless to act unless there has been actual use, or pointing, of the gun.

This is very little comfort to the woman whose husband has acted violently towards her in the past; when she believes he is quite ready to act violently towards her in the future; when she knows he has a gun which he has threatened to use against her, and might very well do so.

No one appearing before the Inquiry, including members of the legal profession, was able to point to a section of the **Code** which provided relief in the circumstances, the immediate seizure of the weapon by the police.

Although the police have been faulted for their apparent inability, and perceived unwillingness, to take preventive action, it is not at all clear that the fault does, in fact, lie with them, or what powers they do possess in the circumstances.

IT IS THEREFORE RECOMMENDED
that the officials of the Department of Justice examine that problem to ascertain whether, in fact, immediate preventive action is possible on the part of the police and, if such action is possible, to identify it and instruct the police accordingly.

IT IS FURTHER RECOMMENDED
that if no such avenue is available under the law as it now stands, to examine and explore the possibility of having the law amended to the end that an immediate preventive measure may be made available to the police.

Assuming that no such immediate preventive measures are presently available to the police where there exists the real threat of the use of a firearm in a situation of domestic violence, perhaps secondary action is the only presently available alternative.

IT IS THEREFORE RECOMMENDED
that the appropriate authorities explore the possible application of s. 100(1) of the **Code** in cases of domestic violence involving assault causing bodily harm, or the threat thereof, where the use of a firearm might be deemed to be a real or perceived threat to the life or safety of the victim spouse.

Of concern to those involved with victims of domestic violence in rural areas, and undoubtedly to the victims themselves, is the sometime inaccessibility of the local police. In the earlier pages of this Report, reference is made to the fact that between 5 p.m. and 8 a.m. there is no on-duty officer at the local detachment and between 4 a.m. and 8 a.m. no patrolling police cruisers.

It is understood that there may be justifiable reasons for this, both from an economic point of view and from a manpower point of view.

However, domestic violence is no respecter of the clock. It can be, and often is, either a life threatening crime or a crime which places in jeopardy the physical health, safety and well-being of the victim. It may occur either in daylight or darkness. It bears repeating that it is a crime which requires immediate response. It cannot be left unattended to until after breakfast tomorrow morning.

IT IS THEREFORE RECOMMENDED
that the appropriate authorities explore the practicality of bringing into operation a 24 hour "hot line" for immediate and direct access to police services by those residing in rural areas; and in conjunction therewith, the practicality of creating in each of the several jurisdictions served by a local detachment of the RCMP a 24 hour on-call service available for immediate response.

The present practice, in the rural areas served by the RCMP, is that between the hours of 5 p.m. and 8 a.m. any phone call directed to the local detachment is automatically transferred to the dispatcher in the Charlottetown office where there is a 24 hour duty officer.

The dispatcher then attempts to raise, by radio, the patrolling cruiser nearest to the point of origin of the call and direct the officer to the scene.

Should the officer in question be out of his vehicle, temporarily engaged in other duties, no contact is possible.

A beeper system activated by the radio call might provide a possible remedy.

Apart entirely from the domestic violence situation, such a system could alert the officer that he is required as a safety back-up to another cruiser involved in a possible life threatening situation.

With respect to the police, there appear to be three other areas which are of concern to spousal victims of domestic violence.

The first of these is that when they do intervene at a residence where violence is ongoing, their first, and probably understandable, reaction is to remove from the premises the victim and any children.

The question asked is: "Why us? We are the victims. He is the one who has committed the assault and the violence, yet he is left in possession of our home while I and the children must find some temporary refuge elsewhere. It would be far less disruptive of our family life if he were the one to be forcibly removed. Yet we, the victims, are being punished by being taken out of our home".

There is an undeniable logic to this complaint.

The officer might well give serious consideration to the more logical, and indeed more practical, alternative of leaving the victim wife and her children in the comfort and security of their own home and removing the offender, the cause of the trouble. While the wife and children might be hard put to find other accommodations in the area, particularly during the midnight hours, there are always available to the offender, regardless of the hour, accommodations at the local lock-up.

A second area of concern is the tendency, on the part of the police, where a complaint has been made by a victim spouse, not to accept that complaint at face value. Somehow, she must satisfy the officer that her complaint is a valid one before they investigate. In instances other than those involving domestic violence, the complaint is followed by investigation and it is that investigation which determines its validity. Not so, the perception is, in the case of spousal assault.

This is, admittedly, not a universal attitude on the part of the police; perhaps it is the exception. But the evidence before the Inquiry is indicative that it does happen.

The third point raised was that, again not always, but on occasion, a police officer, when investigating, put the question to the victim: "Do you wish to lay charges?" The victim is invariably distraught at the time, often burdened with feelings of personal guilt for assault perpetrated upon her. To ask such a question merely places a further guilt trip upon her.

The women would prefer that the police approach be: "We will lay charges immediately and will process through the court system without delay".

This serves a two-fold purpose. It removes from the victim the responsibility of being required to make a decision at a time when she is, in all likelihood, emotionally incapable of making one.

As well, if the option of laying or not laying a charge or, if a charge is laid, of proceeding with it or not proceeding with it, is left to the victim spouse, experience has clearly shown that she will immediately become the object of further threats, intimidation, or worse, by the male spouse.

No specific recommendations are made with respect to these three points of concern. The Inquiry considers it sufficient that the police be made aware of the views of the victims and have due regard for them when the situation arises.

In concluding this phase, it cannot be reiterated too often or too emphatically that the police are the first point of entry for the abused spouse into the justice system.

A victim's first impression will be her lasting impression and will determine the degree of trust and confidence which she will place in the entire system.

If she is treated humanely and sympathetically, professionally, and with consideration, and with regard for her likely emotional and highly-strung condition, she will,

immediately, have faith in the system. If, on the other hand, she is treated casually and cavalierly, then she will, immediately, lose any faith or confidence that the system is actually there to assist her.

In the words of a well known television commercial: You never get a second chance to make a first impression.

The officer who disregards that truism is false to his or her responsibility to the system that he or she is bound in duty to uphold.

THE CROWN PROSECUTOR'S OFFICE

Of all the components which constitute the justice system, the personnel who make up the staff of the Crown Prosecutor's office received, by far, the highest marks from the spousal victims who have had occasion to use their services. They were referred to as being considerate, sensitive, helpful, and apparently willing to devote whatever time was required to assist their clientele.

They were considered to be thorough in their preparation and prosecution, and at all times courteous and understanding.

A point raised, however, was that, when it came time for the initial court appearance, these women were entering into a completely alien environment with respect to which they were completely unfamiliar. that unfamiliarity easily leads to confusion. Consequently, for this reason, among others, they tend to become less than satisfactory witnesses.

IT IS THEREFORE RECOMMENDED
that whenever possible, the Crown Prosecutor assigned to the particular case provide, in the actual courtroom setting itself, an explanation of what will be taking place, who will be doing what, and why, and where all may be expected to be sitting or working from.

Certain of the Crown officers have themselves expressed other matters of concern to them.

Principal among these was the problem of physical accommodation. Nowhere in any of the courthouse facilities does there appear to exist adequate or, in some instances, any, space for a complainant and her witnesses other than in the general, public, waiting area where also will be waiting the spouse against whom she has laid the complaint, as well as any witnesses he might have, and his lawyer.

Women have described this as constituting one of the most intimidating experiences of the entire court process.

Neither is there any reasonable space available for counsel-client interviews.

Most women about to undergo the court experience, particularly for the first time, tend to be emotionally upset, tense and extremely nervous. What many require is the comfort of a cigarette. Yet they are placed in a smoke-free environment where this small solace is denied them.

IT IS THEREFORE RECOMMENDED
that the Department of Justice arrange to provide, within the courthouse precincts, reasonable accommodation separate from the public areas to which victims of spousal assault may retire, before the commencement of court proceedings and during any recesses, in which counsel-client consultations may be held privately and which is declared to be an exception to the non-smoking rule applicable to the building as a whole.

Reference has been made earlier to the fact that domestic violence is generally an ongoing offence, extending over a period of time, normally several years. In this respect, it shares common characteristics with such on-going offences as sexual abuse of children, or fraud or breach of trust on the part of an officer or employee of a financial institution.

In these latter cases, the charge will not normally refer specifically to the most recent incident of sexual abuse or the most recent theft. It will cover the spectrum of the activity from its suspected date of commencement up to and including the last identifiable incident. The charge is laid in such a manner that the entire pattern of conduct may be brought before the court.

Yet it would appear that in cases of domestic violence only the most recent assault, as a rule, is the object of the charge and the court scrutiny. Past conduct, though it may be repetitive and long continued, is, by inference and perception, forgiven and condoned.

The fact of the matter is that, for the vast majority of spousal victims, the essence of the offence is not the final, isolated incident but the pattern of abuse and physical beatings to which she has been subjected to over the past years.

IT IS THEREFORE RECOMMENDED
that where a charge of domestic violence is to be laid, the wording of the charge be such that it reflects the essence of the offence, that is to say, the pattern of abuse and physical violence, extending over months or years rather than being restricted to the most recent occurrence of a long succession of occurrences.

THE COURTS

It is to the courts that the battered woman looks for her ultimate relief. It is to the courts, as well, that the investigative arm of the police, the efforts of the Crown Prosecutor, the remedial branch of the several support services, including in particular but not exclusively so, Victim Services, look for critical action, proportionate to the nature of the crime of domestic violence.

It is also to the court that the criminal himself, he who physically beats and abuses his spouse or partner, looks to ascertain the "price tag for his offence". Only if that offence is considered by the courts to be a "big ticket item" will he take the courts seriously.

That was the message which came through with resounding emphasis.

Essential to the more effective role of the courts was considered to be a higher appreciation and a greater knowledge on the part of the judiciary of the human dynamics of the battered wife syndrome; of the nature of the offence of wife battering; of the profile of the battered wife as a witness before it.

All too often, the complaint was heard, that it was the victim herself who appeared to be on trial, not the offender.

The courts at the Provincial Court level were felt to have a greater appreciation of all of the dynamics than the did courts "upstairs".

Several suggestions arose out of presentations touching this issue.

IT IS THEREFORE SUGGESTED
that all judges, and particularly those judges at the Supreme Court level, avail themselves of such seminars and other instructional resources as might assist them in acquiring a greater appreciation of the human dynamics involved in the battered wife situation;

IT IS FURTHER SUGGESTED
that the courts be cognizant of, and have regard for the fact that, in virtually every instance,the charge of assault arising out of wife beating is merely the culmination of an ongoing situation rather than an isolated incident and, accordingly, background information is significantly important in determining the appropriate disposition;

IT IS FURTHER SUGGESTED
that no higher standard of proof be required of the complainant than is required in any other type of criminal offence.

IT IS FURTHER SUGGESTED
that, for reasons which will appear more specifically, post, there be a minimum of delay between the commencement of judicial proceedings and the final judicial determination.

It is a generally accepted fact that a woman who has been the victim of battering is at greatest risk between the date on which the complaint is laid and the date of

final disposition of her case. This truism applies regardless of whether cohabitation continues or separation has occurred.

In either case, there exists cajoling which, if unsuccessful, is followed by threats, intimidation, harassment and, not infrequently, by further and repeated physical violence.

It is during this critical period that the justice system owes her the greatest degree of protection.

Numerous observations were made in this regard, the most significant of which have been distilled into the series of recommendations which follow.

Subsequent to the laying of the complaint, the accused spouse will normally be taken before a Justice of the Peace for release on his own recognizance, under what is generally referred to as a "peace bond" of whatever nature. As often as not, this bond will be honoured in its breach rather than in its compliance. In such a case, the accused is again brought before the J.P. on a "show cause" hearing. Not only the police but, as well, the Crown and complainants have strong and quite often legitimate views regarding this situation.

IT IS THEREFORE RECOMMENDED
that if an accused is to be released in the first instance on a "peace bond", special regard be had for the nature of

the offence charged and, accordingly, that stringent conditions be attached to such release in keeping with the offence;

IT IS FURTHER RECOMMENDED
that in the event of a breach and re-appearance before the J.P., only in the most exceptional circumstances should the accused be again released and then only upon the condition, among others, that he report frequently to the appropriate police authorities;

IT IS FURTHER RECOMMENDED
that where any breach of the "peace bond" involves a situation in which the accused has exhibited violent behaviour towards the complainant, or has threatened to inflict violence upon her, no subsequent release should be considered under any circumstances.

Inasmuch as the high risk period is greatest between the laying of the charge and its disposition by the court and, inasmuch further, that the female spouse is likely, during this period, to be the subject of further physical violence as well as emotional injury, the logical remedy is to "fast track" all cases of domestic violence.

That imperative does not apply equally to other types of criminal charges brought before the court, for which time is not of the same essence in adjudication.

IT IS THEREFORE RECOMMENDED
that serious consideration be given to the elimination of the "jury term" system, as has been done in several provinces, and that juries be brought in as circumstances require;

IT IS FURTHER RECOMMENDED
that, because of the strong human element inherent in such cases, as well as the potential degree of physical injury occurring, that charges of assault arising out of domestic violence be given priority and "fast tracked" through the system.

It cannot be over-emphasized that the necessity on the part of the battered wife to appear in court to testify against her spouse or partner touching the private conduct of the parties can be an emotional, humiliating and shameful experience for any woman. All the more so when she is forced to do so in the full glare of media publicity.

IT IS THEREFORE RECOMMENDED
that in such cases the presiding judicial officer give consideration to the invoking of the remedial provisions of s. 486(1) of the **Criminal Code**.

IT IS FURTHER RECOMMENDED
that such complainants be provided access to areas of privacy within the precincts of the courthouse where before, during, and immediately after trial, she may be spared the curious scrutiny of the public and media, as well as contact with the accused himself.

The consensus of opinion expressed before the Inquiry on the subject of deterrence in sentencing was two-fold. The first of these was that there be a mandatory

term of incarceration of sufficient duration to bring home to the male offender that one simply does not "beat up" his spouse or partner with impunity.

The second, and even more strongly stressed, was that incarceration without treatment and counselling was virtually useless. The universal call was for incarceration; to be followed by a period of probation, subject to closely monitored conditions, of which an essential condition would be the submitting of the offender to the director of a program of treatment and to follow a course of treatment and counselling for the full duration of the program.

> **IT IS THEREFORE RECOMMENDED**
> that the disposition of a charge of domestic violence include a mandatory, and significant, period of incarceration, without option, to be followed by a term of probation, of which one of the essential conditions would be mandatory treatment and counselling.

Of concern to the police in particular was the apprehension that threats of physical violence were not being given the same or sufficient weight or consideration by the courts as was the actual physical violence itself. They expressed added concern when those threats included the use of a firearm. In the McMurrer situation, the threat to

use a firearm, publicly issued, was shortly followed by the actual use of the firearm itself, with tragic and fatal results.

It was also pointed out that the definition of "assault", under which charges of domestic violence are laid, includes not only the perpetration of the assault but, as well, the threat to perpetrate the physical assault, whether by the use of firearms or otherwise.

IT IS THEREFORE RECOMMENDED
that where an accused is brought before a JP. on a "show cause" hearing arising, inter alia, out of the threat to use a firearm, he not be released, under any conditions, unless he first surrender to the appropriate authority, any and all firearms in his possession or under his control.

IT IS FURTHER RECOMMENDED
that any charge of assault, or threat of assault, in domestic matters, including the use of a firearm or indeed any other weapon which may be used to inflict violence upon another person, be considered and dealt with as if the accused had, in fact, actually used the firearm or other weapon to inflict injury.

PROBATION SERVICES

The Probation Service constitutes an integral and important component of the post-disposition support service of the justice system.

It can operate at optimum efficiency only if it has the tools to work with. Essentially, these tools are manpower and information. Deficiency in both aspects was evident in the McMurrer case. Kevin McMurrer was on probation for a minor, but related, offence at the time of the murder.

The manpower shortage is demonstrated by the statistics provided by the Department itself. There were 11 probation officers regularly on staff.

During the four month period alone, from April to July of 1991, there were 216 new adult case files opened, of which 25, or 11.6%, arose out of domestic violence.

Added to these, during the same period, were 143 young offender cases, for a total four month increase in caseload of 359 files.

The average caseload of a probation officer should be in the 75 to 80 file range. The Summerside average, and particularly in the instance of McMurrer's personal probation officer, was 140 files. Obviously, but clearly through no fault of his own, the officer was not able to give the McMurrer case the close supervision it required, or which he would have wished to give. One can speculate whether, had he been operating under an acceptable caseload, the end result would have been different.

IT IS THEREFORE RECOMMENDED
that the Department review the present caseload carried by each individual probation officer and, where and to the extent necessary, provide adequate manpower to carry out efficiently the responsibilities imposed upon the Service.

The officers of the Probation Service do not operate in isolation but rather as a part of the post-disposition support services. This entails and necessitates a full exchange and co-ordination of information relating primarily to the individual, as well as to other available services.

Other than the sometimes sketchy pre-sentence report frequently, but not always, prepared, the probation officer would have little detailed information on the background of the person placed in his charge.

In McMurrer, for instance, the fact that he had, prior to being placed on probation, been undergoing both psychiatric and alcohol/drug treatment was apparently not communicated. If a person is placed on probation as a result of a charge laid by the Summerside Police for example, the fact of probation would not necessarily be communicated to the Summerside RCMP detachment, nor the St. Eleanor's Police Department. Every breach of probation would not necessarily be communicated to the probation officer involved.

IT IS THEREFORE RECOMMENDED
that the Probation Officer immediately upon receiving an offender in his charge have all available information concerning the individual's past history and background made accessible to him to enable the officer to establish, for that individual, the most effective case plan.

IT IS FURTHER RECOMMENDED
that, when an individual is placed on probation, all other police forces within the immediately adjacent policing jurisdictions be informed of the fact; and further, when the police have knowledge of any breach of probation, that the probation service be immediately informed.

It is essential, when an individual is placed on probation for an offence, however minor, arising out of a volatile situation of domestic violence and a subsequent breach of such probation occurs that preventive and remedial action be taken forthwith and, if need be, summarily.

IT IS THEREFORE RECOMMENDED
that every Probation Order issued in such circumstances contain, in addition to the usual or otherwise appropriate conditions, a further provision to the effect that in the event of a breach the probation order will be deemed to be terminated and the offender may be forthwith taken into custody, to be dealt with, in due course, according to law.

SUPPORT SERVICES

There exist in the Province, but not adequately or evenly throughout the Province, various types of support groups available primarily to women who, for whatever reason, require some form of access to the justice system.

Each group appears to be somewhat autonomous and, to a certain extent, to operate in isolation each from the other. This, it would be perceived is not by design or intent but more the result of an evolutionary process. Each serves a specific identifiable need and is immediately ready to offer its services to the woman in need.

However, the woman in need is also likely, at the same time, to be in some degree of emotional trauma. Furthermore, she, more likely than not, is not sure precisely what assistance she requires; only that she needs assistance and needs it now.

She can, it is true, attend at one of the service groups which may be known to her which will, if need be, refer or send her to another more appropriate group, and so on until she reaches the one best fitted to deal with her particular problem. On the other hand, she may not even know where to start.

This points out the requirement for one central "clearing house" to which the distraught woman may go for immediate and applicable referral. Better still, of course,

would be if all such groups in a given region were centrally and commonly located and readily available for "one stop shopping" so to speak.

IT IS THEREFORE RECOMMENDED
that in each Regional Services Centre there be located a central source of referral having available full information and particulars relating to all of the support groups in the area, with personnel available to respond to the woman in need, and to refer each to the group or service best designed to meet the particular need.

IT IS FURTHER RECOMMENDED
that a similar service be maintained in each detachment of the RCMP throughout the Province and by the dispatcher or other appropriate officer of the respective municipal police forces.

With specific reference to the issue of domestic violence, special reference must be made to two support groups, each of which plays a key role in the support area.

VICTIM SERVICES

The first of these is the Victim Services program, in operation since April of 1989. An oversimplification of part of the service which it provides is to assist women in need through the intricacies of the justice system. During

its 18 months of operation, it assisted, among others, 368 victims of family violence. That figure alone indicates the prevalance of the offence.

Two workers, including the Co-ordinator, operate out of Charlottetown, covering the jurisdictions of Charlottetown, municipal and RCMP, Sherwood/Parkdale RCMP, as well as Montague and Souris RCMP. One worker operates out of Summerside, covering the jurisdictions of the municipal police of Summerside, Borden, St. Eleanor's and Kensington, as well as the RCMP detachments of Summerside, Borden and Alberton.

Despite the monumental burden imposed upon the overworked staff of this service, the accolades offered to the Co-ordinator and her two assistants, in particular by those victims of domestic violence who appeared before the Inquiry, were little short of unbelievable, that so few could do so much for so many.

The value of this service, particularly to victims of domestic violence, cannot be overestimated. This is in spite of the fact that the program is little understood by the courts, save at the Provincial Court level, that it operates out of facilities both inadequate and sequestered, and that it receives no direct financial support from the Department of Justice.

The Inquiry was informed that Victim Services in Charlottetown is to be found in a small office in the Sullivan Building adjacent to the Consumer Affairs Division, accessible through one of the rear doors of that building. Nowhere does there appear to be any observable sign or indication at any of the entry doors of the building to inform a member of the public of the existence or whereabouts of the service. In view of the valuable service provided out of the office,

IT IS THEREFORE RECOMMENDED
that the Victim Services Program be recognized as constituting an essential ingredient of the adjudicative component of the justice system and that adequate personnel, physical and financial resources be made available to ensure its continuing availaility on a province-wide basis.

IT IS FURTHER RECOMMENDED
that its office facilities be made more readily accessible to the public.

The Inquiry was further informed that the service is funded exclusively out of the Victim Surcharge Fund, the levy of which is supposed to be, but not always is, imposed by the courts at the time of disposition of any criminal offence; viz: $10 for each offence against a provincial statute, $35 for each offence against a federal statute plus a maximum of 15% of any fine levied and paid.

TURNING POINT

The Turning Point Program stands tall among the post-disposition support services. It is, essentially, a group counselling program for men who wish to cease being spousally abusive.

As is A.A. to the alcoholic so is Turning Point to the perpetrator of domestic violence.

The distinction is that those who adhere to the A.A. philosophy are those who recognize themselves as being the victims of their own intemperate habits; those who follow the Turning Point Program are not the victims but rather the perpetrators of a criminal offence whose victims are the wife or partner, and the children, of the offender.

The brochure issued by the Program outlines its approach:

> Each group is made up of 8 to 10 men who have been abusive to their partners, together with two counsellors. The group meets for 2 hours a week for 14 to 16 weeks. Through a variety of therapeutic approaches men are challenged and helped to take responsibility for their violent and controlling behaviours and encouraged to learn how to deal with anger and other emotions in a constructive manner.

Information provided to the Inquiry indicated that two, or at the very most, three groups can be conducted in any calendar year. An individual who has recognized and accepted his personal need to enter into this program needs,

like the alcoholic, the means to do so **now**. Yet he might be required to wait several months before a new group is formed. By that time, his resolution to mend his violent ways may well be lost, and the pattern of abuse begin anew.

The tragedy associated with this program is that it is yet but a temporary measure, a program of the Protestant Family Services Bureau which, in turn, is largely funded as an agency of the United Way.

The Program co-ordinator is a funded employee, but all counsellors are volunteers, working without pay and on their own time.

A common thread running through much of the testimony before the Inquiry was the urgent, in fact, mandatory, need for counselling to be an integral part of any judicial disposition for the perpetrators of domestic violence.

Yet, it would appear that Turning Point is the only program extant in the Province which offers counselling in this area.

Dedicated though they may be, those who are involved in the program cannot be expected to carry it, on a volunteer basis, at the expense of their own leisure time and that of their families.

It is a program the need for which has been amply demonstrated and one the value of which has been amply established. It appears to be the only program directed toward the reduction, if not the elimination, of the crime of domestic violence within the community.

But it cannot long survive as it is presently structured, exclusively dependent upon volunteers.

IT IS THEREFORE RECOMMENDED
that counsellors, trained in the discipline of domestic relations, be secured in adequate numbers and made available to meet the urgent requirements of the Turning Point Program.

The paradox of the situation is that what are possibly the two most significant and beneficial programs available to women, and men, Victim Services and Turning Point respectively, providing a service essential in either area, are either underfunded or not funded at all by the administration of the justice system.

IT IS THEREFORE RECOMMENDED
that the Turning Point Program be recognized as also constituting an essential ingredient of the adjudicative component of the justice system and, accordingly, that adequate resources both with respect to personnel and financing be made available to ensure its continuing viability.

IT IS FURTHER RECOMMENDED
that steps be taken to expand the program into Kings County and West Prince.

THE LEGAL PROFESSION

The legal profession is not, per se, part of the system of justice but is integral to its operation. It provides, for the most part, the linkage between those who become involved with the system and the system itself.

Individual members of the Bar, as practicing attorneys, owe a high duty to their respective clients to represent them and their interests with the most skillful advocacy which they possess. As officers of the Court, however, they have a duty which may well supersede that duty owed to the client.

On occasion, the adversarial system under which the courts normally operate, will bring the duty to client and the higher duty owed to the public weal into conflict.

It has been earlier observed that the battered woman is at highest risk during that period between the laying of the charge and the final disposition of the case. The longer that period is drawn out, the longer she is in jeopardy of further physical beatings, abuse and intimidation.

Two central themes have been expressed by those who have been victims of the system. "The games lawyers play" in seeking adjournments, delays and stretching out the time before their client can be brought to the bar of justice. The jury term system, under which the courts presently operate, provides astute defence counsel almost unlimited scope in which to manoeuver. A second, and somewhat more philosophical approach, was expressed in this way: "Defence lawyers must be taught to respect justice, instead of just being driven to win cases".

Inherent in this concept is the need for the realization that while the defendant husband is unquestionably entitled to receive justice under the system so also is the victim spouse, through the expeditious process of the system.

The Community Legal Information Association of P.E.I. recently issued a relevant paper which put forward the proposal that lawyers could [should ?] be sensitized to the experience of being battered. This is a proposal which merits further consideration.

IT IS THERREFORE RECOMMENDED
that the Law Society consider arranging seminars, directed particularly for the benefit of those members of the profession who engage in the practice of family law, as well as those who act as defence counsel in family matters of a criminal nature, to examine the human dynamics incident to such litigation and,

in connection therewith, to secure as a principal resource person one who has, herself, been a victim of domestic violence.

IT IS FURTHER RECOMMENDED
that the Law Society devise and adopt, for the guidance and direction of those of its members engaged in the practice of family law, whether in its civil or criminal aspects, a Code of Ethics specifically designed to prevent and restrict all unnecessary delays which impede the expeditious effectiveness of the court system and which militate against the lives, safety and security of victims of domestic violence.

MEDIATION

During the course of the Inquiry, the subject of mediation was considered, particularly as it had application in the area of domestic violence situations.

It was the consensus that it had no application.

The purpose of mediation is, inter alia, to resolve domestic disputes, of whatever nature, through discussion, to bring about a common meeting of the minds.

From the perspective of the battered spouse, there can be no meeting of the minds, since the two parties do not start from anything approaching an even footing.

The male spouse, the perpetrator of the violence, is physically dominant, psychologically domineering, intimidating, abusive, and in all respects holds himself out

as the superior. She, on the other hand, the victim of habitual violence, is physically the smaller, psychologically dominated, intimidated, abused, and at that stage, will consider herself of little self-worth.

The Inquiry makes no Recommendation advocating the application of the mediation process.

SHELTER AND SAFE HOUSES

The current practice appears to be that when police are called to a house in which domestic violence is taking place, they remove the victim spouse and her children, if any, from the home. One can speculate that it would be more reasonable to remove the offending spouse, rather than the victim.

The only refuge for such persons is Anderson House, located in Charlottetown. It is described as being:

> ... a safe and supportive shelter for women and their children who have been physically or emotionally abused, or who live in fear of abuse. Services include a 24 hour toll free crisis line ..., support and information, transportation when needed, supportive child care, temporary accommodation and food, weekly support groups. There is no charge.

Unfortunately, there is only one such facility to serve the entire Province. Demand upon the facility often exceeds the available accommodations, with the result that local motel accommodations must be found.

Anderson House is, to a large extent, community supported, with the United Way being a major contributor.

While the facility does yeoman service within its capacity and means, those are the same factors which limit its functions.

Being the only one of its kind within the Province, it is called upon to provide service for the victims of domestic violence not only in Charlottetown and its immediate environs but also of those who reside in either East Point or North Cape, which indeed it attempts to do. It is safe to say, however, that victims in the farther reaches of the land feel far too removed for it to be useful to them.

Further, in situations of domestic violence, which often as not occur during the night-time hours, there is a need to have immediately available and immediately accessible a safe house for urgent relief, on a short term basis, until more adequate alternative accommodations can be secured, particularly where there are children at risk.

If the practice is to continue of removing the victims from their own homes, rather than forcibly ejecting the offender, two concurrent measures are indicated.

In certain areas of Nova Scotia, there have been arranged for, in local communities, volunteer private homes which would take in, on an emergency basis and for the very short term, those victims and their children forced from their homes. The only cost to Government is compensation for the added cost of food or similar basic necessities.

The second measure is, of course, the extension of the Anderson House concept, possibly on a county basis.

IT IS THEREFORE RECOMMENDED
that the appropriate government department explore the possibility of setting up, on a regional basis, a chain of volunteer houses, available for emergency, short term relief, for victims of domestic violence forced, for their own personal safety and security, to seek safe houses.

IT IS FURTHER RECOMMENDED
that the Anderson House concept be extended into each of Prince and Kings counties.

THE MEDIA

Public access to the courts is, to a large extent, effected through the media in its various forms. The media constitutes the eyes and ears of the public in this respect.

While the media can, in no sense, be considered to be a component of the system of justice, it is, nonetheless, the mechanism through which what goes on in the courts is interpreted to the public. In that sense, while not integral to the justice system, it becomes an extension of it.

The question of, and obligation for, responsible reporting has been dealt with earlier in this Report.

Gradually, and probably with some reluctance, the courts are coming to accept the fact that media coverage of their activities will increase.

That inevitable fact will, accordingly, force some form of accommodation which can be attained only by a mutual agreement, founded on mutually acceptable and accepted terms and conditions.

Any such protocol must necessarily include special provisions for the handling of family matters, and in particular those family matters which involve issues of domestic violence, in a sensitive, understanding and, above all, humane manner, all qualities which have not, in the past, been overly evident.

IT IS THEREFORE SUGGESTED
that there be constituted a Media Conference which might include officers of the Court, Crown officers of the court, representatives of the Law Society, and representatives of the media, who would create a Protocol

providing for reasonable access for the media to the court process and the manner in which court proceedings might be covered and publicized, all of which would constitute a Code of Conduct to which all would subscribe, and which would be binding upon all, and including, as well, a mechanism for monitoring and the imposition of sanctions if and when necessary.

THE DEPARTMENT OF JUSTICE

The Guardian newspaper, in its issue of November 5, 1991, published a news item announcing the Third Annual Conference on Impaired Driving, in conjunction with Crime Prevention Month and Drug Awareness Week.

The program in questions, which has been ongoing for the past number of years has, by report, been significantly successful in reducing the incidence of highway accidents resulting from impaired driving. This appears to have been done, in large measure, with the co-operation of the several sectors of the community, acting in conjunction with police and government. Combined, they appear to have produced a program of public education and awareness that has been eminently successful.

What was done with such success to combat the plague of impaired driving can serve as a model to combat the even greater horror of domestic violence.

Interesting comparisons can be drawn.

Impaired driving is a high profile crime; wife and child beating is a low profile crime.

Impaired driving is a crime committed openly and in public; wife and child beating is a crime normally committed in private and behind closed doors.

Impaired driving is a crime in which the offender is, more often than not, also the victim; wife and child beating is a crime in which the offender deliberately selects his victim and, with equal deliberation, maliciously sets out to inflict physical pain and suffering.

Impaired driving is a crime with respect to which a multitude of support services are available, some wholly or largely government funded, others community based; wife and child beating is a crime with respect to which, by comparison, support services are inadequate in scope and those which do exist are largely underfunded.

Impaired driving is a crime, the existence and magnitude of which has received public recognition and, accordingly, appropriate measures have been initiated at both the official and community level; wife and child beating is a crime which, by and large, has been swept under the rug.

If these comparisons and contrasts be true, the 1 in 8 women in the Province who are the ongoing victims of domestic violence wonder why.

IT IS THEREFORE RECOMMENDED
that the Department of Justice, through its Division of Community and Correctional Services, or other appropriate authority, acting in conjunction with community based services, initiate a program, similar to that which so effectively reduced the crime of impaired driving, directed towards the greater public awareness of the crime of domestic violence, the relief of the victims thereof, and its ultimate eradication.

COMMUNITY INVOLVEMENT

It has been observed earlier that domestic violence and other forms of intra-family abuse are, in addition to being criminal offences, also social problems affecting the very essence of community life. Inherent in, and essential to, domestic violence is the deliberate inflicting of physical injury on members of the community who also happen to be members of the perpetrator's family.

The Community Legal Information Association, in the publication earlier referred to, said this:

> The community must be encouraged to take some responsibility for the protection of the woman and her children. Effective protection will never be provided if it is seen as solely a police matter.

The Inter-Ministerial Committee on Family Violence, in its presentation to the Inquiry, stated:

> The general community has abdicated its responsibility for the safety of its members.

Figures issued by the Canadian Centre for Justice Statistics indicate that 66% of all female homicides are women killed in their own homes. Causes of these domestic deaths were, in order of frequency, gunshot, stabbing, beating and strangulation. In addition to those who suffered fatal wounds is that myriad of women who are pommeled, beaten, kicked and otherwise physically abused, short of death, but frequently requiring medical care and hospital treatment. Socially and economically it occurs in generally equal ratio among both the low and the lofty, the prejudiced and the privileged.

The message left with the Inquiry was that this abuse will continue unabated unless the local community shows leadership in asserting, forcefully and openly, that this type of heinous conduct is not only unacceptable but that it will not be tolerated.

There exist forces within each community which can, and in a bygone day did, provide that forceful leadership. The churches within the community, individually and collectively, the several lay organizations which have as their objective the advancement of community life, are but two of these. They can, if they have the will, provide leadership, not simply by condemning in principle the horror of family violence perpetrated against wives and children but, if need be, by more direct and personal measures.

The community has a choice and a challenge. Will it play the role of the Levite who saw the suffering, frowned, and went on his way, or will it play the role of the Samaritan, who saw the suffering and did something about it?

APPENDIX A

INQUIRY TO BE CONDUCTED BY THE HON. C.R. McQUAID INTO THE RESPONSE, ON THE PART OF THE MEMBERS OF THE POLICE, WHETHER MUNICIPAL OR FEDERAL, AS WELL AS OF THE OFFICIALS OF THE DEPARTMENT OF JUSTICE, FOR REQUESTS FOR ASSISTANCE FROM CARRIE ELLEN McMURRER

TERMS OF REFERENCE

1. To conduct an inquiry and investigation into complaints and allegations made, and requests for assistance, by or on behalf of Carrie Ellen McMurrer, and/or members of her family, relative to the conduct of her husband, Kevin McMurrer; and with respect thereto, in the response to, and action taken by, members of the municipal police, or officers of the Royal Canadian Mounted Police, or of the Department of Justice, during the year 1989.

2. And in conjunction therewith, to inquire into and consider inter-spousal and inter-family violence in general, and the response appropriate thereto on the part of such peace officers and officials (at all levels), both preventative and post-event.

3. To submit a report in writing with respect to all of the foregoing to the Minister of Justice, such report to contain any recommendations as may be deemed to be appropriate in the circumstances.

AND in the conduct of the investigation and inquiry, Mr. McQuaid is duly authorized to interview and examine any and all persons who may have, or who may be deemed to have, any information touching any matters within the scope of the investigation.

AND in addition, he may request of the Department of Justice such secretarial and other assistance as may further the inquiry and expedite the preparation of the report.

APPENDIX B

INQUIRY INTO THE CIRCUMSTANCES

RELEVANT TO THE DEATH OF

CARRIE (CROSSMAN) McMURRER

PURPOSE:

To inquire into and examine specifically, all circumstances leading up to and surrounding the death of Carrie Ellen McMurrer; including complaints, allegations and requests for assistance made by Carrie Ellen McMurrer or by any member of her family, to any peace officer or Crown official and the response thereto.

And generally, to inquire into and examine all and any policies and practices in place with respect to response to apprehended or actual intra-family violence, as such policies govern the conduct and response thereto on the part of such peace officers and Crown officials.

METHOD OF INQUIRY:

Personal interviews with all relevant "witnesses"

- Interviews will not be open to the public or media;
- Interviews will be taped;
- Interviewees will be sworn.

Witnesses, other than the person immediately being interviewed, may attend all or any interviews, personally or by counsel, as observers only.

The thrust of the inquiry will not be accusatory or adversarial but rather the objective search for factual information.

PERSONS TO BE CONSIDERED FOR INTERVIEWS:

Elmer and Carol Crossman;
Any other members of the immediate family who may have personal and relevant information;
All non-family members who may have first hand knowledge of the threats made by Kevin McMurrer;
Stephen McKnight;
Appropriate members of St. Eleanor's Police;
Appropriate members of Summerside Police;
Appropriate members of Summerside RCMP;
Crown Counsel - Summerside;
Probation Service Summerside

And as to the broader issue of family violence generally:

Chief Crown Prosecutor - Charlottetown
Appropriate member of Charlottetown Police;
Such other groups as may be appropriate

PROPOSED FOCUS OF REPORT:

What are the internal policies and operating procedures now in place with respect to police officers to complaints related to apprehended or actual domestic violence;

Are such policies and procedures uniform and consistent as among RCMP detachments and the several municipal police forces;

Do such policies and procedures allow for exercise of the use of discretion on the part of the investigating police officer and, if so, the nature and degree of such discretion;

Do such policies and procedures require the "logging" of complaints as received;

Do such policies and procedures provide for co-ordination, co-operation and exchange of information as between police forces;

Were such policies and procedures followed through effectively in the case of Carrie Ellen McMurrer;

What is the role of the probation service in matters of domestic violence;

To what extent are the roles of the probation services and the police co-ordinated;

What are the policies and procedures of the office of the Crown Prosecutor relative to apprehended or actual domestic violence;

What policy, if any, is in effect relative to private prosecutions as opposed to police prosecutions?

Such other points as the course of the inquiry may indicate appropriate.

PURPOSE OF THE REPORT:

To examine, primarily, the operation of the administration of justice as it relates specifically to the issue of domestic violence, as opposed to being accusatorial of individuals;

To learn from the past experience of the McMurrer tragedy;

To make such recommendations as might provide some possible assistance in preventing any future recurrence of that tragedy.

MEMBERS OF THE LAW SOCIETY OF PRINCE EDWARD ISLAND
Stephen McKnight
Nancy Lee Key
Ronald Scott Peacock
J. Melville Campbell, Q.C.
Kathleen Loo Craig
Barbara F. Stevenson
Daphne E. Dumont

COMMUNITY LEGAL INFORMATION ASSOCIATION OF PEI
(written presentation)

EAST PRINCE COMMITTEE ON FAMILY VIOLENCE
Brenda Picard
Rev. Bert VanCook

ANDERSON HOUSE
Yvonne Bradshaw
Linda Gallant

TURNING POINT
Larry McKnight

RESOURCE PERSONS (BATTERED WIVES)
"Madison"
"Betty"
"Janet"
"Mary D" (written presentation)

RCMP
Staff Sgt. Brian E. Stevenson
Staff Sgt. Gordon S. West
Cpl. James Mills

ATLANTIC POLICE ACADEMY
Insp. Fred Lynch

COMMUNITY AND CORRECTIONAL SERVICES
Philip Arbing
Carl Doucette
Frank Lavandier

VICTIM'S SERVICES
Ellie Reddin

CROWN PROSECUTOR'S OFFICE
Richard B. Hubley, Q.C.
David P. O'Brien
Darrell E. Coombs
Bert Visser

PUBLIC DEFENDER'S OFFICE
W. Kent Brown, Q.C.

DIRECTOR OF CHILD WELFARE
Nancy Lee
Les J. Zielinski

INTER-MINISTERIAL COMMITTEE ON FAMILY VIOLENCE
Sandy Bentley
Steve McQuaid

APPENDIX C

PERSONS AND GROUPS WHO APPEARED BEFORE THE INQUIRY AND/OR PRESENTED BRIEFS TO THE INQUIRY

FOR THE CROSSMAN FAMILY
Elmer C. Crossman, Carol Isabel Crossman, Judy Crossman
Margo Marie Rioux
Allan Joseph Noonan

FOR THE McMURRER FAMILY
(The following individuals did not appear in person before the Inquiry but filed written presentations):
Kevin McMurrer; Kenneth & Joan McMurrer
Debbie (McMurrer) Noonan
Lt. Col. Patrick Wooton (ret'd)
George A. DeMings
D. Jean Sharpe
Yvonne DeCoste
Marilyn McGuire
Diane C. Irving
John L. MacDougall, Q.C.

SUMMERSIDE POLICE DEPARTMENT
Sgt. David Poirier
Sgt. Sinclair Walker
Cst. Ronald James Dowling

ST. ELEANOR'S POLICE DEPARTMENT
Sgt. Kenneth Palmer
Cst. Lindsay Rogers

CHARLOTTETOWN POLICE DEPARTMENT
Deputy Police Chief Paul Smith
Cst. Michael Quinn
Cst. Gordon McMurrer

APPENDIX D

TABLE I

PROVINCE OF PRINCE EDWARD ISLAND
DEPARTMENT OF JUSTICE - VICTIM SERVICES
VICTIM CASE CLASSIFICATION
JAN 1, 1991 TO JUNE 30, 1991

POLICE JURISDICTION	COMMER./ INST'L.	GENERAL	SEXUAL ABUSE	WIFE ABUSE	OTHER FAMILY ABUSE	TOTAL
Alberton RCMP	7	17	3	9	5	41
Borden Police	0	0	2	1	0	3
Borden RCMP	0	0	0	1	0	1
S'side CFB	0	0	1	0	0	1
Ch'town C P	0	60	5	33	6	104
Ch'town RCMP	0	19	15	21	4	59
Kensington T P	0	2	0	1	0	3
Montague RCMP	0	18	7	14	6	45
St. Eleanor's	0	0	2	4	1	7
S'side RCMP	6	30	3	12	4	55
S'side T P	2	28	2	21	1	54
Sher/Park RCMP	0	5	6	10	2	23
Souris RCMP	0	11	7	3	2	23
Other Referrals No Police Involvement						
- Other	0	1	0	0	0	1
- Family	0	0	1	0	0	1
TOTALS	15	191	54	130	31	421
PERCENTILE	4	45	13	31	7	100

TABLE II

PROVINCE OF PRINCE EDWARD ISLAND
DEPARTMENT OF JUSTICE - VICTIM SERVICES
VICTIM CRIME CLASSIFICATION - WIFE ABUSE CASES
JAN 1, 1991 TO JUNE 30, 1991

POLICE JURIS'N	FMLY DISP	ASSLT	HARRASS	THREAT	CREATE DIST.	FRAU.	WILFUL DAMAGE	OTHER C.C.	TOTAL
Alberton RCMP	0	7	0	0	0	0	1	1	9
Borden Police	0	1	0	0	0	0	0	0	1
Borden RCMP	0	1	0	0	0	0	0	0	1
Ch'town C P	1	18	6	5	0	0	3	0	33
Ch'town RCMP	0	19	0	0	1	0	1	0	21
Kensington	0	1	0	0	0	0	0	0	1
Montague RCMP	1	11	0	2	0	0	0	0	14
St. Eleanor's	0	3	0	1	0	0	0	0	4
S'side RCMP	0	8	1	3	0	0	0	0	12
S'side T P	0	12	4	3	0	0	1	1	21
S/P RCMP	2	6	1	0	0	1	0	0	10
Souris RCMP	0	3	0	0	0	0	0	0	3
TOTALS	4	90	12	14	1	1	6	2	130
PERCENTILE	3	69	9	11	1	1	5	2	100

N.B. This table specifies the type of crime committed against each of the 130 wife abuse victims (see Table I) contacted during this time period

TABLE III

PROVINCE OF PRINCE EDWARD ISLAND
DEPARTMENT OF JUSTICE - VICTIM SERVICES
VICTIM AGE CLASSIFICATION - WIFE ABUSE CASES
JAN 1, 1991 TO JUNE 30, 1991

	UNDER 12	12 - 20	21 - 40	41 - 60	61 & OVER	TOTAL
FEMALE	0	10	85	19	3	117
MALE	0	0	0	0	0	0
TOTALS	0	10	85	19	3	117
PERCENTILE	0	9	73	16	3	100

N.B. Age range and gender information for the 117 wife abuse victims for which age was known

TABLE IV

PROVINCE OF PRINCE EDWARD ISLAND
DEPARTMENT OF JUSTICE - VICTIM SERVICES
VICTIM-SUSPECT RELATIONSHIP - WIFE ABUSE CASES
JAN 1, 1991 TO JUNE 30, 1991

RELATIONSHIP	ADULT	YOUTH	TOTAL	PERCENT
Husband	45	0	45	35
Boy Friend	14	1	15	12
Common Law Husband	16	0	16	13
Ex-Husband	15	0	15	12
Ex-Boy Friend	22	0	22	17
Ex-Common Law Husband	14	0	14	11
TOTALS	126	1	127	100
PERCENTILE	99	1	100	

N.B. This table provides the relationship of the offender to the victim for the 127 cases in which the victim-suspect relationship was known. The columns indicate whether the suspect was an adult or youth (under 18)

a better wife, a better mother, a better cleaner, a better cooker, it would never have happened. And we are conditioned to believe that and we believe that.

It's very, very difficult to explain to a man exactly what physical intimidation means. I was talking to one of the Mounties after the first police session and he said, well I just don't understand why you didn't leave. And I said, well look at it this way. If you had a 300 lb. Sumu wrestler who moved into your house with you and started telling you what to do and you'd better do it right and every time you did it a little bit off, he'd beat you up, that's why you don't leave. Because you're going to die. You really believe you're going to die. But it's very hard for men to understand that concept. And as difficult as it is for women, I did not ever think that this could happen to me.

"Janet"

But you have to understand when you're going through violence life becomes a blur. People ask you names, dates, faces and there's nothing. It's just a--it's just a big blur. You know -- I know I was depressed all the time. Because just--I was unhappy all the time. I lived in fear, I didn't know if I was going to get a slap in the face or a kiss. So life just becomes a big blur. You just get up in the morning and you go to bed in the nighttime and things that happen they sometimes they just don't register.

It's like I was brainwashed through fear. Through fear, through lack of self-esteem, through thinking that I didn't deserve any better. That's when I feel these men, as police officers, have to be my rational self. They have to understand that I'm not in a healthy state of mind. And I think they should take a little more control.

Like, I look back now and I say where--where was my head, what was I thinking, what was I doing. Like it's like I was a totally different me. Totally out of control. I had no control. He controlled everything I did, I thought, where I went, who I was allowed to see. He controlled everything.

I'm a small person. If he--if I got mad at him one day, I couldn't go up and beat him up. He doesn't have a right because he's bigger than me to beat me up. I don't like it when I ever hear judges insisting that the women may have provoked it.

You have to understand, you're just not in control when you're in that situation. You're really not in control. You're not a well-balanced person. Mentally, you are not a well-balanced person.

They use fear as the most predominant factor in controlling us. You know, and I admit I was scared of him and still am.

There's always the underlining great fear of being beaten. When you've been smacked and hit and have knives held against your throat, you believe that these people will kill you. When they say I'll kill you, you believe it. And every indication is that they have the capacity to kill.

"Madison"

People try to make you feel like you're wrong or something. Or just be happy with what you have. That's just the feeling that I had. That I can't leave this situation. I didn't know where to go anyway. I--I thought I didn't. You know, I had by this time two little children, where do you go?

But it was so easy for me to drag dad [to the police station to press charges] but I just couldn't get up enough guts to do it myself. I don't know why. I don't know why. And one of the questions, why I stayed in the relationship, I really--I don't know why. It was just like one day I woke up and I said, I have had enough of this, I can't take it any more, this man might kill me.

Like I say, my education really bothered him a lot and his way of keeping us on a level par was to call me names and to try to make me feel really stupid. And when I look back, I really was. I was really stupid to stay in the situation that I did. And, like I say, it was just one morning I woke up and I said I can't take this any more and I'm not going to take it any more. And that's the day that I left.

I didn't go and look for outside support. It's a very--it's a kind of situation that you don't--that I, myself, did not like to involve a lot of people. It's not -- I don't know if embarrassing is the right word but at the time I felt like I was failing in our relationship, that I was this worthless person. You don't like to go out and talk to people about being a failure and that's what I felt like at the time. So I don't think I could--could have got in a car and gone to a support group. I just can't see myself doing that at the time.

And, like I say, if I'd only been able to get up enough guts to go out and get some help from somebody and hear that you aren't worthless, that this isn't your fault, you don't have to take this, you will survive, you know, you'll get by.

It's--it's funny. Whenever I'm in a crowd of people and we discuss things like this and they always bring up the topic why does a person stay in a relationship like that. And, unless you've really been in the situation, you can't explain, the people--you just can't begin to understand why. Like, I don't know. I always thought of myself as a little bit strong-willed or having -- You know, I'm not a weak person. But, my God, when I started hearing myself telling this story, I just sound like I'm just so weak and so dependent on somebody and that's not how I saw myself at all. But when I listened to this story, I just can't believe that I'm that person that I'm talking about. Like, it's just so unlike me that I would stay in that situation.

"Betty"

The Battered Woman as a Witness

A battered woman is a very fragile witness. Extremely fragile. And she, for whatever forces that come to bear on her, may be a back-tracker, a back-slider, recanting and all that sort of thing, but just in--in -- She's a fragile witness. She comes at a stage where there is no self-worth, no confidence, there's nothing. Alright? So what I would say is that that particular witness is in a difficult situation and presents difficult problems in getting through the court system.

Chief Crown Prosecutor,
Richard B. Hubley, Q.C.

In terms of how those individuals will present themselves on the witness stand. The victims that undergo the battered wife syndrome, that are in oppressive domestic situations, will come into court and will not be assertive, nor should they be looked at as lacking credibility because they're not assertive. They will not make eye contact. They will cower in the witness stand. They will make all kinds of mistakes. They will be able to, in cross-examination, change their testimony almost at each question. That does not distract from their credibility, that is because of the situation and environment in which they've lived.

Crown Prosecutor David P. O'Brien

Like I saw a judge the other day who, when the woman started telling her story, and it's a pattern you go back into when you start talking about it or incidents of it, you tend to revert back to how you were because you're dragging emotions -- You're reacting again emotionally to -- And this woman, I understood completely what she was going through, and what she was going through was a combination of being very defensive, because you--always in the back of your mind you're believing that there's a way to deal with it. If I do something right here -- You're walking on eggshells all the time because you really believe in your heart of hearts there's something you can do right that will save you. So

you're looking for that all the time; you're searching for it all the time. So there's a furtiveness mixed with a kind of really weird hyper energy. Fear. It's what fear does. But when you see the combination of the two of them - and I watched this judge reacting to this woman - and he made a comment about it and what he said was he found neither of them credible. But, you see, if he had of known a little bit more about abused women and what it's like for them and what their reactions are, he could have -- He was feeling her out, eh. He was asking her questions and he was feeling her out but he didn't know where to go. He didn't know what to look for.

"Janet", a battered woman

Battered Wife Syndrome

Well, I can give you some things that I've been aware of. ... After you're abused many times, you start getting quite confused because you have a man that you love and sometimes is very loving towards you and does have a loving side too. They're not monsters. ... But, on the other hand, he can go into a rage and hit you. So that's very confusing to try to figure out. He says it's going to stop and you're hoping it's going to stop.

And the woman is also tending to be very locked into that situation where, if she leaves him, financially she's going to drop down in income and be a single parent and probably on social assistance.

There's a lot of social pressures to stay there. She's concerned about, you know, the children, taking the children away or getting into court, legal issues.

I've heard it -- A syndrome they spoke of Battered Women Syndrome about it's similar to a hostage syndrome where, you know, the person they've got hostage can come to in some ways feel positively towards the person that's holding them hostage. Because they tend to see the positive sides of this guy even though they're doing all kinds of terrible things and start feeling sorry for him and want to help him and get some help for him, hope he gets better. So there's always that hope in there and, at the same time, this guy is holding you hostage in a lot of ways.

So I am much easier able to understand why a woman would stay in the situation. I think we don't look at all these things. It's easy to say, well, why didn't she just leave, you know, it's so simple.

[Why does she stay in that situation?] Sometimes she doesn't feel she can get out of it and that getting out of it is going to be --

Well, there's fear also. We mustn't forget the fact that if she leaves that we know that most women that get severely--get killed or are severely battered is after they leave him. So there's a fear there. And sometimes he's threatened, if you leave me, I'll, you know, I'll get you and she knows it. You know, that's going to put him into a rage. The whole thing, like, things are going to be out of his control if she leaves him. She's kind of saying, okay, I'm not playing this game any more; I'm leaving. So that's

going to--she knows that's going to tend to put him in a rage. And we know that a lot of women, a lot of the women that get killed are after they've left their partner. So you got the fear there of leaving because of the threat of what could happen after you leave. Is it better to stay with it and at least, you know, hope to hell maybe it will get better?

Larry McKnight, Turning Point

F. THE CYCLE OF VIOLENCE

Battering behavior usually follows a definite cycle.[5] Understanding this cycle is important in learning to help those in abusive relationships. The cycle of violence helps explain why she stays.

Phase One **TENSION BUILDING STAGE**

He attacks her verbally with insults, put-downs, accusations. Minor battering incidents occur. She tries to calm him, trying to anticipate his every whim. As tension builds, she becomes more passive, he becomes more oppressive. She blames herself for not being able to control the situation; she feels helpless. Tension becomes unbearable.

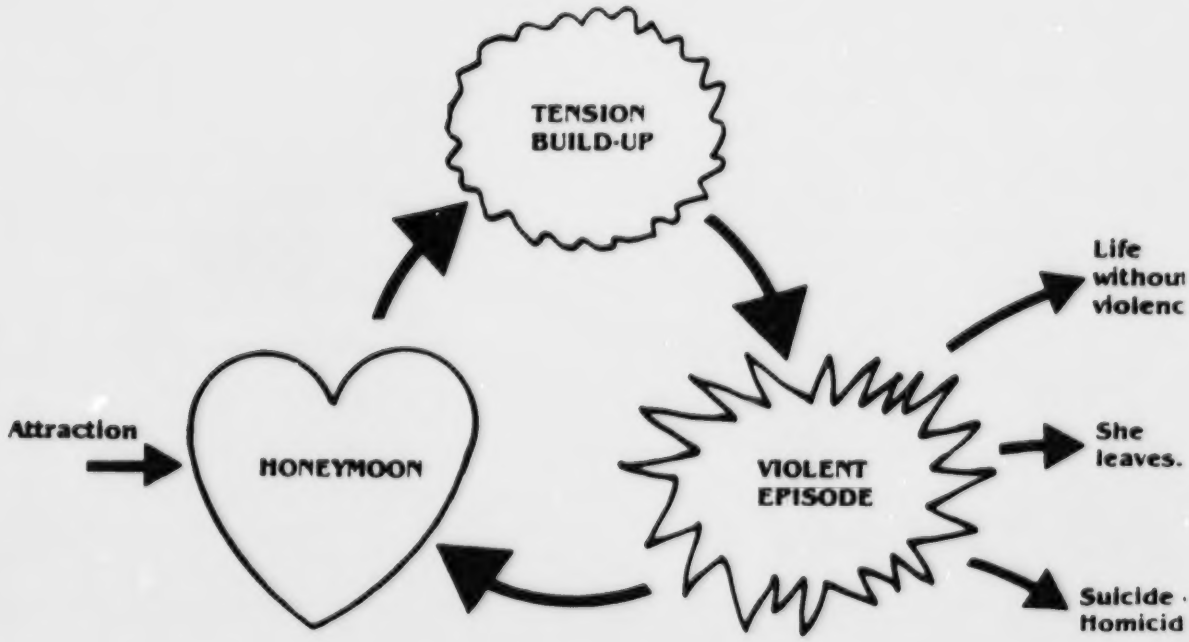
Phase Two **ACUTE BATTERING INCIDENT**

Tensions that built up in Phase One erupt into violence. The incident is usually triggered by an external event or internal state of the man, rather than by the woman's behavior. It is during this stage that the woman is most likely to be sexually assaulted, injured or killed.

Phase Three **HONEYMOON STAGE**

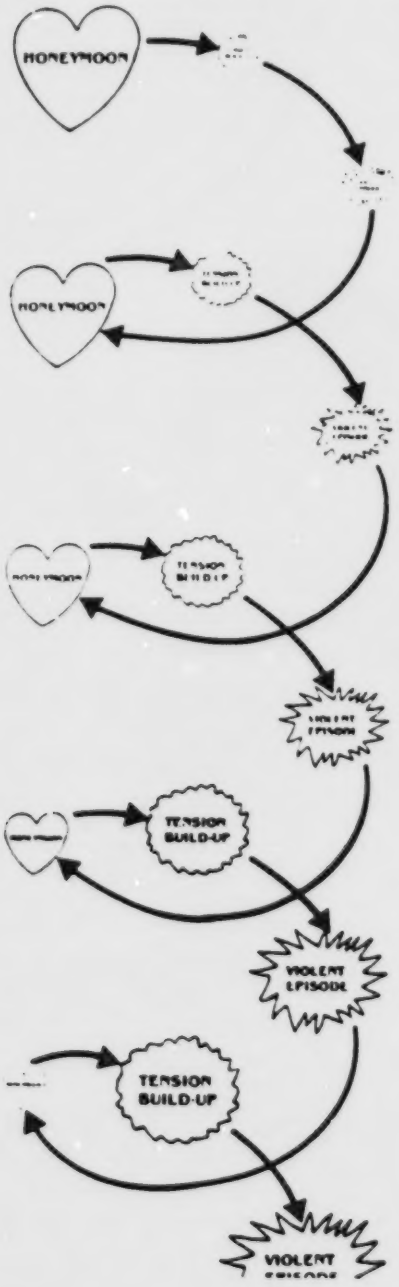
After the acute battering incident, the man becomes extremely loving, kind and contrite. He begs forgiveness and promises it will never happen again. As their relationship deteriorates, his loving behavior is increasingly important to her. For a time, he seems like the man she fell in love with. Guilt also holds her. They both believe she is responsible for his future welfare, or she leaves, for breaking up the home. If she stays, it is not long before the loving behavior gives way to small battering incidents. A NEW CYCLE OF VIOLENCE BEGINS.

THE CYCLE OF VIOLENCE



Over time, the cycle of violence shifts. Honeymoon periods become shorter; tension and violence increase. Some who work with those in abusive relationships say "indifference" sometimes becomes a phase of the cycle.

THE CYCLE OF VIOLENCE OVER TIME



Frances Woods[6] has identified stages a battered woman goes through, as she lives within the cycle of violence over a period of time. She may need different kinds of help at different stages:

STAGES IN THE BATTERED WOMAN'S EXPERIENCE

Stage One **DENIAL**

An abused woman's most common response to early battering incidents is to deny there is a problem. Denial is a common human response to any traumatic experience. She may simply not be able to believe the incident happened.

If she grew up with violence, a woman may downplay the incident ("He only shoved me") or may believe that violence is normal. If she did not grow up with violence, her image of "a battered woman" may be someone poorly-educated or low income, and she does not want to perceive herself in that way. She is ashamed and does not want anyone to know.

The couple probably does not discuss the incidents for fear that talking might trigger more incidents.

Stage Two **BLAMING HERSELF**

Guilt and turmoil characterize the woman's feelings as she begins to recognize that she is battered. Three factors contribute to her blaming herself:

- Low self-esteem: even if she started with a high level of self-confidence, being abused makes her doubt her worth. She begins to believe that she deserves the abuse.
- Others blame her: her husband is likely to blame her ("If you'd keep the kids out of the toolbox, I would not have to get mad"), and she accepts responsibility for his actions. Widespread public opinion that "she must have asked for it," and that women are responsible for what happens in a family reinforce that she is to blame.
- She needs to feel some power: as the situation deteriorates and she feels increasingly powerless, she can get some sense of controlling the situation if she believes she causes it. The logic goes: "I must provoke him to hit me. If it's me that makes him do it, I could stop provoking him and then he would stop hitting me. I'll try harder."

Stage Three **SEEKING HELP**

Reaching for help is often a negative experience.

Friends and family may disbelieve her, or may tell her she is to blame, or that "You made your bed, lie in it."

Women may find that police, lawyers, and the legal system are guided by rules set up to protect the civil rights of the assaulter more than the victim.

Rural women may find services do not exist. Even a woman who has access to services may not find doctors, counsellors or other helpers with in-depth understanding of her situation. The common belief that violence in the home is a family affair may mean potential helpers do not feel they should intervene. Societal values of keeping the family together at all cost may convince her to return.

She is in a no-win situation. If she leaves, "She didn't try." If she stays, "She must like it."

If a woman reaches out for help and finds none, she may be driven back to the violent relationship.

Stage Four **GOING IN AND OUT OF THE RELATIONSHIP (AMBIVALENCE)**

Those who work with assaulted women say 80% to 90% of women leave and return to the relationship more than once. This ambivalent stage causes misunderstanding, hostility, and frustration towards the assaulted woman, and may lead potential helpers to give up on her.

During the ambivalent stage, the woman is trying to decide whether to leave or stay in the relationship. She must go back and forth to help her decide.

She may try counselling to salvage the relationship. However, few assaulting mates will attend counselling, and even if they go, counselling alone seldom stops assaulters from hitting. Counselling in combination with external control (e.g. a restraining order) has sometimes made a difference.

Why does she leave? She believes her life is in danger. She fears for her

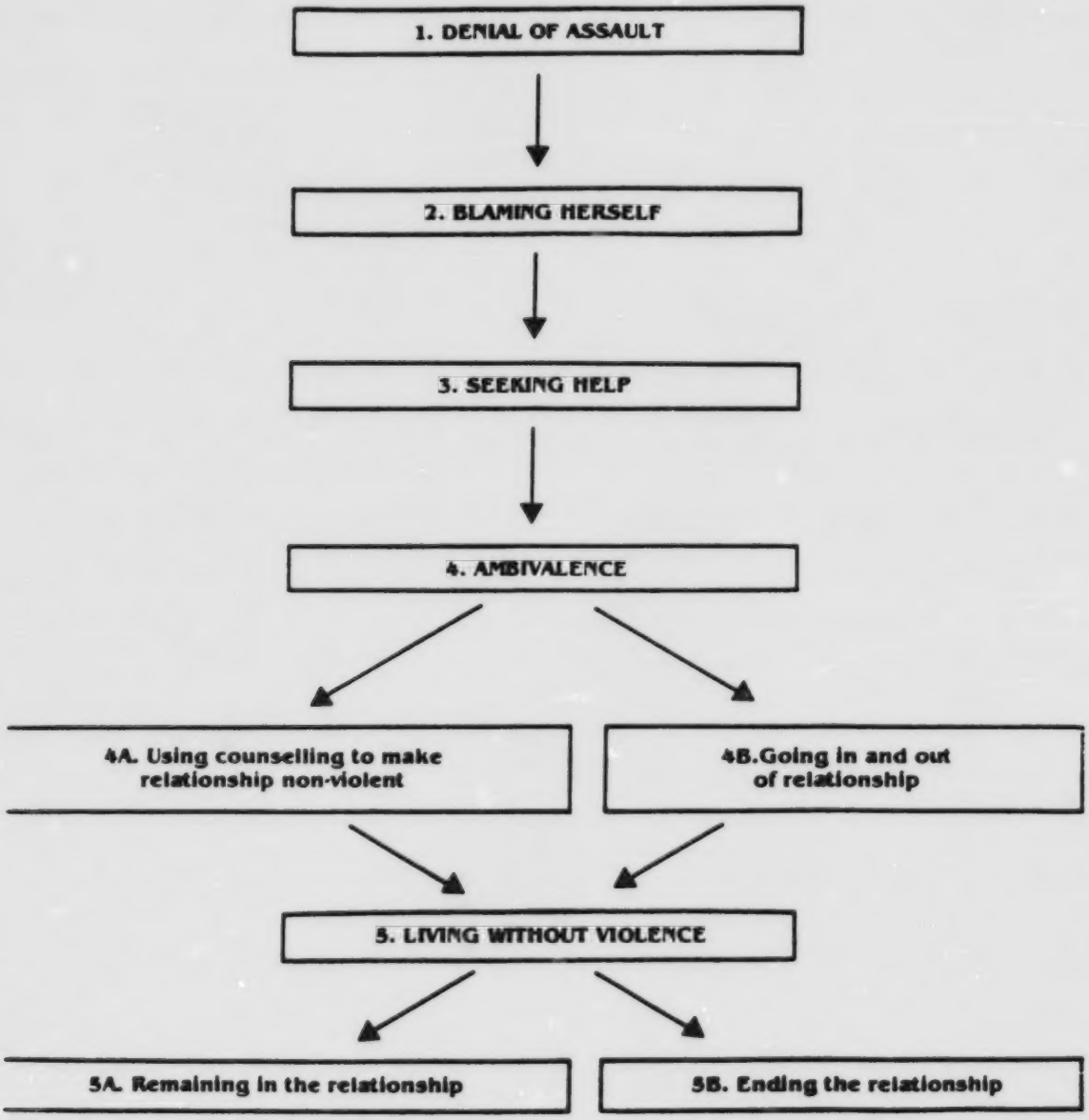
She has mustered enough self-confidence to believe she can have a satisfying life on her own. When she leaves, she tests if she can survive in the outside environment.

Why does she go back? She wants the relationship (she still loves him). She believes his promises or his threats. She feels guilty about breaking up the family. She feels worthless and fears she can't make it on her own. When she goes back, she tests if the relationship can be changed. She needs to be sure she's given it every chance. Though nearly all assaulted women go through the pattern of ambivalence, each does so in her own way. She may leave and return few or many times; she may come to a resolution gradually or suddenly. The ambivalent stage may last for years.

Stage Five **LIVING WITHOUT VIOLENCE**

Whether she stays or leaves, the woman will probably need on-going support. Fear, low self-esteem and flash-backs of the violence may plague her. Some say it takes five years to recover from a violent relationship. Some say it takes forever.

SUMMARY OF THE STAGES IN A BATTERED WOMAN'S EXPERIENCE


1. DENIAL OF ASSAULT
2. BLAMING HERSELF
3. SEEKING HELP
4. AMBIVALENCE
4A. Using counselling to make relationship non-violent
4B.Going in and out of relationship
5. LIVING WITHOUT VIOLENCE
5A. Remaining in the relationship
5B. Ending the relationship

APPENDIX F

THE ORDEAL OF "MADISON'

MADISON: I'll call myself Madison.

I was a battered woman for six years. What it's like to be a battered woman? It's not pleasant. I don't know who would think it would be pleasant. I now look back and don't see it as acceptable either. A way I want to live. It was very humiliating.

COMMISSIONER: Was it in a marriage situation?

MADISON: Common-law. Basically common-law. We lived together on and off for six years.

He was abusive, I think, every way except for sexually. That's emotionally, physically, spiritually, mentally.

The abuse started almost immediately but I didn't recognize it as abuse because I wasn't aware of what abuse was when he'd say things, like, to me, like you put a bra on. I felt flattered because I thought he didn't want anybody else looking at my body. I didn't see it as control. By the time it became control I was too far in it already.

Looking back now, I'd have to say that I had very little self-esteem because I stayed. I think I wanted so bad to belong to a couple that I was willing to settle.

Fear made me stay. I'm not a violent person and when somebody gets abusive, you get scared of them.

COMMISSIONER: What forms of abuse, what form did the abuse take?

MADISON: Calling me dirty names, calling me down, telling me I was no good, telling me I was stupid. And probably part of me before I entered into this relation, somewhere I probably felt that way about myself and he just made it worse. Physical. Physical threats, a slap across the face. That's how it began. Make fun of me. Just humiliate me.

COMMISSIONER: Did he apply physical force? Did he punch you, beat you, kick you or anything like that? ...

MADISON: As the years went on, yes. He slapped me, he kicked me, he punched me, he put me in the hospital with concussions. He did whatever he wanted to do. Threatened me with knives. Locked me in closets. Knocked me down. Ripped my clothes off my back.

For a long time I didn't get involved with the police. Not really involved with them. If they happened to be around on the street when he was abusing me, they would stop him. I never laid charges I think probably until four and a years. ... Not for about the first three and a half years I didn't lay charges of any kind.

COMMISSIONER: What made you lay your charge after that time, that three year period? What was the event that triggered it or was there any event?

MADISON: Probably just getting tired of the abuse. Somewhere in there deciding that I was worth it, that I didn't have to live like this, that I wasn't doing this character any good by letting him get away with the things that he was doing to me, I was only making it worse for myself. I was just plain fed up with the abuse. ...

COMMISSIONER: You laid the charges when you went to the police the first time or --

MADISON: No. Many times I would call the police and just--they would take him away and I wouldn't lay charges. For years. And that part of it, I'm very disappointed in the police because they have to take I think family violence quite a bit more serious than what they take it.

I got attitudes like -- I remember one night he was kicking me in the stomach in the middle of the street. We had went to a party and it was pretty late in the night and when he kicked me in the stomach, the police just happened to be going by in a van, and they drove him home in the van. They left me standing in the middle of the street. And drove him home. And I can remember going home and, thank heavens, because I just put my hand on the doorknob and--because I had assumed they would take him to jail. Number one, he was highly intoxicated. That would be enough to go to jail for the evening. When I put my hand on the doorknob, the kitchen light turned on. And they had driven him home. And I sat in my backyard all night long and watched him stab the kitchen table.

And things like he came and put his fists through a window in my door one night. We had been out together, he was in his mood and my attitude was okay, "Bob", leave me alone. So he came down to my place, kicked the window in, tried to kick the babysitter, ripped the side off someone's car, he got the neighbours up. The police came and they let him rant and rave around my

house, wake my son up at like 4 o'clock in the morning, totally intoxicated and on drugs, and he's slobbering all over me going I love you and I'm saying get this man out of my house. And they're saying, calm down, he just wants to give the boy a hug. And they took him outside and drove him around the corner to his shop and let him go. And he did--the cop said to me that night, you made your bed, you lay in it.

Like, that's earlier on. And I mean I was getting really, really angry. Really angry. I was really, really angry. I still am. I still am angry about it.

I have to say that at point in my -- Like I must know--I know that police must get very frustrated with family violence. With women who are tired of the abuse but they're still caught in that trap and once you turn on the man, once the police turn on the man, you end up sympathizing with the man. I know that they must get really, really frustrated with it too. You know, I'm not --

And at that time, I think sometimes they sense when you're not ready to really lay charges and you're not really sick of it, you just want help at that moment from the abuse, you know. But I was really disappointed in their attitude for quite a while.

Times when -- When I started to lay charges, when I first started to lay charges, still, again, I would lay the charges, I wouldn't show up for court.

COMMISSIONER: Why?

MADISON: Because I thought I still loved him and because I was scared to death of him.

And, you know, I know that they're frustrated with me there too because the system would be - and it has every right to be - because they were saying "Madison", you've got to go through the legal system. You can't do this. He's not going to stop this. You keep calling us. You know. Because I mean, we're very well known to the City Police, like, you know.

When I finally did -- The first set of charges I laid I'm pretty sure I was living in a house for women.

COMMISSIONER: Anderson House?

MADISON: Second stage housing.

I was--they were very sympathetic with me, the police were. I was very frustrated because he was calling me all the time, harassing me, following me on the street. To my opinion, he came and tried to break into my apartment; nothing was ever proven. And I was terrified. And his purpose was to terrify me.

And I kept saying to them, you know, this guy's doing all this, why can't you just go and pick him up and put him in jail. Why -- You know, and it seemed like it took forever, until I got so angry one day and then I called Ellie Conway from the Victim Services. I said, Ellie, I said you come to the police station with me. Let's go see the top guy. Let's go show him how serious I am and that something has got to be done about this man. It--something's got to be done about him. I think I got satisfaction there. They didn't pick him up immediately.

Oh, I don't know. There's so many things. Sometimes I get frustrated about --

I think victims, me, I should -- It's in my best interest to know where this guy is, how his frame of mind is, because it's me he wants to get.

I don't think that--I think victims should be more informed because there were times that they picked him up and put him in jail and I'd be sitting in the Anderson House going let me know what's going on. They don't call and let you know what's going on. I went home once and they had let him out. And for sure I thought, great, they're going to keep this guy, they're going to keep him there on remand, he can't go around and say I'm going to kill you, I have a gun. And be put in jail for a night and let out the next day. And there were times that that happened and I went home not knowing that this man was out on the street. Like, I'm angry about that. I think the victims, especially in this domestic violence, it's in my best interest to know where he is so I can guard myself. And there were times where I felt totally unguarded because I had not been told where "Bob" was. He was let out in the street. Not why -- You know, I'm frustrated with that.

You know, I'm not--I'm not just here for myself. I'm here for all the women that go through this.

I'm really grateful that the police are there. I feel they need to be more educated about family violence. I think they have to take it more serious, much more serious.

Now, okay, when I finally was serious about laying the charges, like there was a lot of intimidation. I received a lot of threats.

I have to say that when I became serious and had enough of the abuse that the police were great, they were great. They responded quickly when I called them. They spent time talking with me. You know, by that time I was very frustrated and I was going why, why, why, why. And they took the time and sat down and talked to me about it.

I'm really impressed with the Crown's department.

COMMISSIONER: Before you leave the police, is there -- You say you were very impressed with them. Is there any particular policeman that you were involved with that you might want to name? If not, that's fine.

MADISON: I can't remember (unclear). What's the cute one? Stevie Vaive. Through the period where I was at the second stage -- Mike Quinn, yeah.

I don't--I want to acknowledge any of them but you have to understand when you're going through violence life becomes a blur. People ask you names, dates, faces and there's nothing. It's just a--it's just a big blur. You know -- I know I was depressed all the time. Because just--I was unhappy all the time. I lived in fear, I didn't know if I was going to get a slap in the face or a kiss. So life just becomes a big blur. You just get up in the morning and you go to bed in the nighttime and things that happen they sometimes they just don't register like a --

But those two police officers -- I'm sure there was more. Like, you know, they would--I would call them several times during the night because I could hear people outside. They would respond. They -- I must have drove the poor man crazy I'm sure.

But when I became serious, they became serious. But, when women are not serious, it's because they're trapped in that. It's like I was brainwashed through fear. Through fear, through lack of self-esteem, through thinking that I didn't deserve any better. That's when I feel these men, as police officers, have to be my rational self. They have to understand that I'm not in a healthy state of mind. And I think they should take a little more control. You know, they should go--they should -- I felt a lot of times that they were pacifying "Bob" and where I don't think they

should have pacified him. What he did was wrong and no one should pretend or pacify like a little child. When my children do something wrong, I don't pet them and, you know -- They're disciplined.

I think that they have to take it more serious. They have to be better educated.

I was talking to a friend who was talking about films where they did role playing and through the whole thing the police kind of pushed the women aside and concentrated on the men. Like, trying to pacify them. I don't think that's right. I don't think they need to be pacified.

I think that it's really important that men speak against men because they seem to listen better. If a police officer is saying, ah, come on, calm down, you know. What they have to say what you did is wrong, it's not acceptable, and you're not getting away with it. When women can't say it for themselves, somebody's got to do it for them. Because, when you're in that relationship, you are, like, brainwashed.

Like, I look back now and I say where--where was my head, what was I thinking, what was I doing. Like it's like I was a totally different me. Totally out of control. I had no control. He controlled everything I did, I thought, where I went, who I was allowed to see. He controlled everything.

COMMISSIONER: You were saying--started to say something about the Crown office.

MADISON: Crown. When I--when I finally dealt with them and I didn't deal with them until later on, I was really very impressed. I was very impressed with the Crown's office. He was very sympathetic to me, which was nice because he had my interest in heart too. He just didn't want to get this guy in jail, he wanted me to be okay too. And several times he did things to make sure that I was okay in the legal system, which I was really impressed with because there were things that I didn't really want to--I didn't think that I had a right to be involved because it was kind of a separate issue from my abuse and he said, okay "Madison", I don't see you as needing to be there where -- You know, so I was really impressed with that. Where they--and he really went to bat to get this guy where he belongs.

COMMISSIONER: Did you go through the court system?

MADISON: Several times I've gone through the court systems. Well, I was nervous. It's not what I want to do with my life, sit in court.

Due to Ellie Conway from the Victim Services - there's another one of my pluses - I felt very informed about what was going to happen in the courtroom.

Sometimes I find -- Sometimes I don't like the games that people play in court. But that's part --

COMMISSIONER: If you don't mind explaining what you mean by the games people play in court.

MADISON: Sometimes I'd like to see there stop being so much -- Well when I'm the victim sitting there wanting this guy to be punished for what he did, sometimes I think they bring crazy things in. Like, they ask me if I was drinking. Yes, I was drinking. I was near in a blackout. I know that part of a good lawyer is to try to discredit the witness so that the bad guy looks good but sometimes I get angry because my thoughts are whatever my state was doesn't make one single bit of difference. The fact is this man abused me and that's that. And sometimes all these other issues cloud there -- And I know that's part of the court system. Cloud what he gets, what he really deserves for what he did. I don't like that part of it.

I don't like ever hearing any judge - and I've gone in with friends - insisting that the woman might have - and I've heard it several times - provoked it. Because no matter what I do, I can be the worst person in the world and no one has a right to physically abuse me, mentally abuse me, to control me. No one has a right under any circumstances. I don't think that they do.

I'm a small person. If he--if I got mad at him one day, I couldn't go up and beat him up. He doesn't have a right because he's bigger than me to beat me up.

I don't like it when I ever hear judges insisting that the women may have provoked it.

I know there's been times--I've seen judges talking to women about bonds and I know that's understandable when you get a bond against a guy or a stay-away order and you go and see him and you start to see him again and the women can be held as responsible as the man because she went against this order. I understand that, but when -- You have to understand, you're just not in

control when you're in that situation. You're really not in control. You're not a well-balanced person. Mentally, you are not a well-balanced person.

How did I feel in the courtroom? I was not happy with the decision that what he was -- The first time I laid -- Of course the first time I laid charges on him, in the judge's eyes that was the first time that he had abused me. And I mean this was, like, the first time that I had laid charges, that's all. He had abused me many, many times before. I was a little bit disappointed that I couldn't take in my files from the Anderson House and say, look, this isn't the first time that this guy has done this. Of course that's part of the legal system too.

I didn't like his sentence. He got a money fine, which he had a certain amount of time to pay probation. Or a probation. In--after the probation time was over, he no longer was responsible for that fine. Do you know that man never paid a cent on that. And, as far as I'm concerned, he put me in the hospital with two concussions and got absolutely nothing out of it.

And people would say to me, "Madison", you've got to go through the legal system. The legal system won't let you down, that's the way to go. I felt let down. I felt really angry. I thought this guy can beat my head in and get a $1000 fine and not pay it and walk away. I was really angry at that.

The second time I went into court, I think that one went pretty well. I wasn't disappointed with the legal system. There's part of me that wishes they would lock this man away forever and never let him out so I'm being unrealistic there. It went fine. By that time, I was used to it; I knew what I was up against. I was just looking for jail time because I thought that he had committed enough crimes that it was time that this man do time for his crimes. And, yes, he did and is.

So I feel that the police have got to take it quite a bit more seriously.

I really think the victims should be more notified. I try to keep on what's--where he is now, what he's thinking, asking people if he's talking about me. Only because I feel I have to protect myself from this man. And I need help.

COMMISSIONER: Did you have any involvement with any of the--what I generally refer to as the support services. You mentioned Ellie Reddin and I know she's with Victim

Services. There may be other similar support services out there. Perhaps the Dept. of Social Services. I don't know. There's Turning Point for men. That type of thing.

MADISON: Okay. Well I dealt a lot with the Victim Services and have maybe years. I'm very impressed with Ellie. I haven't dealt with the other lady. You know, I'm sure she's as qualified.

She felt--she made me feel like I kept on top of things. She kept me informed. She was like my ears and my eyes and she still is. And she's very adequate.

I dealt with support groups through the Anderson House. Them being there when I needed them.

I had called Turning Point once and then said, no "Madison", it's not up to you. If he doesn't feel like he wants to change, if he doesn't see there's a problem, there you go again trying to make things better for him, trying to make him change. I left that part alone. I had -- Other than I wish they'd force them to go there.

Social Services, no. Nor did I get any emotional support. Maybe that's a personal thing between my worker and myself. I'm not going to say it's between the system and myself. They made me threatened because I was with this man. And keep understanding that I was head over heels, like, in love as far as I thought with this man. They made me feel like I was in threat of losing my children because I was with this man. There was no support. It was, like, you leave him or--or we're going to do this to you or we're -- Like, that's how I felt. No, I don't believe that the Dept. of Health and Social Services helped me one single bit.

Now I shouldn't -- Oh, I might be a little bit hasty there, please. Because that could be a personal thing because the next worker that I had -- That's a lie. I guess that probably was between that one worker and myself. I had her for quite a few years and she was not supportive at all. The next worker that I had I should say - yeah I have to say really good things about her because she just looked at me and said, you're a very brave woman for going through stuff like this. You must be very strong. She wasn't--she didn't put me at fear of losing my children.

Did they offer any help though? Not really. They never really, truly offered me any help. Of course, what help can you get when you have a violent person coming after you? What are they going to do? I see that I guess as a more legal thing than anything else.

COMMISSIONER: What do you think would be the most effective deterrent for a man? Okay, you take him to court, he gets to court somehow or other, and what is the most effective punishment, sanction, that can be put against him by the court in your view to prevent him hopefully from engaging in that type of conduct in the future?

MADISON: Okay. I don't want to be hasty. I don't like punishment. I like discipline. I like showing someone the way. I believe these men are like that because they have been punished all their life. What I see as helping them is counselling, is Turning Point, is being made to go to these things. Not to go to jail and lock them away because they don't do anything out there. One on one -- And I know, this is money, this is the system. They--these men need counselling. If they're doing drugs, they need to get help for drugs. But I'm not saying by any means -- That drugs and alcohol, in my opinion, are another problem separate than abuse. That they all have to be -- I hear a lot in the courts, I hear a lot if he wasn't drinking, if he wasn't doing drugs. I say that's not true. Drugs and alcohol probably enhance the violence but they are not the cause of the violence. Violence is a totally separate issue. I think these men should be forced to seek counselling. Part of their lock-up or incarceration should be they have to go to this, they have to go to that, they have to go to these courses. Because if you lock them away, they're still going to have the problems when they get out.

COMMISSIONER: ... Can you tell us how this justice system should be improved? What improvements would you make in the justice system? And that's a big question and obviously you haven't been prepared for it. ... Where does it need to be improved, what improvements should be made so that -- ... Tell me what recommendation that I should make to the Minister so that your situation not be repeated again, not only in respect of you but in respect of (unclear).

MADISON: Fine. I recommend that you recommend better education to the police. That it's drilled into their head if need be that family violence is a serious crime. It's very real. It's very real to me. It should be as real to them.

Stricter penalties. Quicker. Stricter. Right away.

More counselling within the jail system. Forced counselling. Not you go to jail, you go to jail and deal with your problems.

There's lots of support out there. There's lots of support for women that are going through this.

I like the idea of the charges being taken out of the hands of the women now. Women don't lay the charges, police lay the charges. Because I'm telling you we're really unbalanced when we're with these guys.

Better communication between the system and the victim. Because I sit there every day and wonder what's going on with this guy. Where he is, when he's getting out. You know, sometimes they say he's getting out this day or that day. I want to know for sure where this man is.

Probably a little quicker response by the police to people who keep going through it. I know that they get frustrated and they may come a little slower but it only takes a second to kill someone.

COMMISSIONER: You finally did lay a charge, you finally kept a court date. ... Did you have to wait long between the time you laid your charge till the time the matter first came to court?

MADISON: Long enough. Yeah, it was months before I went to court. Great -- Luckily, in my case, he was on remand but, yes, too long.

COMMISSIONER: Okay. You take so many months. Now normally the system is, as I recall it, the charge is laid, sometime or other later the matter comes before the court and then the court looks at its calendar and says, okay, we'll hear this trial on such and such a date? Follow me? Now when you're talking that month period, are you talking from the time you've laid the charge first and you first appeared and then a court date set or between the time you laid the charge and your actual trial? Or can you remember? If you can't, that's fine.

MADISON: I don't even believe that I had to appear in court because he had been put in remand for this setting of the trial date. That's probably another reason I should have been informed. I should be informed when they decide that "Bob" is going to be in court. There were days I think I found out through people on the

street that "Bob" was going to be in court. And, like, I'm always interested in what's happening to "Bob", for my sake.

So I would have to say that he went in to court without my knowledge to have these trial dates set. There's a beef there. I should be informed. I'm the victim. I should know when he's going for the trial date or for it to be set. You know, that's the communication between the system and me.

COMMISSIONER: But when you say several months, then you're talking actually until your trial date?

MADISON: Yes. Yes.

COMMISSIONER: Just to clarify my -- Because there is that second intervening day.

MADISON: And for women whose men are not incarcerated or put on remand, that gives them all the time in the world to get to you and make sure that you're not in that courtroom.

COMMISSIONER: In your case, was he in jail all the time between the time the charge was laid and the time of your court date?

MADISON: This last time, yes, he was put in on remand for a month before the trial actually happened.

But there were times when he wasn't. I laid charges before where he wasn't and he did get to me.

COMMISSIONER: What do you mean by you say he got to you?

MADISON: Oh, there's many different methods they use. From charming to I love you "Madison", I'm sorry, I'll never do it again. Please. This is what's going to happen to me, how could you do this to me to you bitch. If you were in that courtroom, you know, with the insinuation that I'd be dead. To--to his pathetic drunk grovelling self, to just a constant, like a drop of water on a rock, a constant wearing down until they make you feel so guilty that you're the terrible person if you go to court against these people.

On top of that, there's always the underlining great fear of being beaten. When you've been smacked and hit and have knives held against your throat, you believe that these people will kill you. When they say I'll

kill you, you believe it. And every indication is that they have the capacity to kill. You know, so faced with that --

Even when he was finally in, he had people calling me. His family. His brother threatened me that I would not be alive if "Bob" got time and I showed up in the court, in that courtroom.

They use fear as the most predominant factor in controlling us. You know, and I admit I was scared of him and still am.

COMMISSIONER: Is the relationship separated, severed now? Is it finished?

MADISON: Absolutely finished. He went to jail in November of last year. I continued to speak to him on the phone and he manipulated me through -- At first I didn't speak to him then his parents started calling me, at his insistence. And I broke down; I called him. It was please "Madison" be my friend and I thought, okay, I'll be his friend but in my heart it was almost over. And then in May, when he said to me on the phone, you f'ing bitch, you're lucky I'm in here, I said you're right, I am lucky you're in here and I hung up the phone. And it's been severed since then.

I have gone to the jail once since then with Ellie Conway and a member of the jail was there because he was sending me threatening letters from jail and I went to try to get him to let go of me. Because he doesn't believe that I don't want him anymore. He thinks that I'm out here getting on with my life to punish him.

COMMISSIONER: He's still in jail?

MADISON: Yes, he's still in jail.

COMMISSIONER: I don't like to ask you this. He's going to get out someday.

MADISON: Yes.

COMMISSIONER: What is going to happen -- What do you think is going to happen when he gets out?

MADISON: I think that he's going to get drunk, I think he's going to start to do cocaine again, and I think he's going to come after me.

COMMISSIONER: You mentioned a child or children.

MADISON: I have two children.

COMMISSIONER: Has he ever threatened them?

MADISON: No I can't say that he's threatened them. He's humiliated them. He's - I mean, they're --

COMMISSIONER: Approximately how old are they?

MADISON: I have a 13 year old son and an 8 year old daughter. 7-8, 13-14.

COMMISSIONER: Has he ever threatened to do them any harm?

MADISON: No.

COMMISSIONER: Has he ever directed his --

MADISON: No. No. I can't say that he's really ever directly directed his venom towards my children. They have been witnesses to a lot of his abuse, his moody behaviours, his violent behaviours but I don't think it was never -- I can't really say it was ever really directed at them. No. But he did damage them by other means.

COMMISSIONER: In what way?

MADISON: Emotionally. He was an example to my son, he was an example to my daughter. I was an example to my son and daughter. I'm sure it must be terrible for a little -- I mean, I'm an adult and can comprehend behaviours somewhat. My children are not adults. No child should have to be influenced as to what they're going to be like as an adult by violent behaviour. By something like that. I have to take responsibility I guess for part of that but I was brainwashed. People would say to me don't you care about your kids, "Madison"? Of course I care about my kids.

COMMISSIONER: Have you seen any spillover of violence, let's say, on the part of your son? Are some--are any of those elements that he witnessed (unclear) --

MADISON: I see my son as a passive-aggressive behaviour. I sometimes see him - and part of this might be normal sibling rivalry; I'm sure it is. But I see him sometimes behaving to his sister the way "Bob" would behave to me. Using aggressive body language, tone. I've seen him draw his fist up to her to get her to do what he wants.

I remember sitting there looking at my son one day - it's a terrible thing to say - and he was sitting beside this guy and I almost hated him as much as I hated the guy who did this to me because he looked just like him. They were tantalizing my daughter.

COMMISSIONER: ... Probation. Did the probation officer ever come to see you in that context?

MADISON: I think this was a few years ago so I think I did have to go into the office once - yeah - to see them but I didn't have very much contact with them.

And maybe that's another fault is, you know, the victim should be more -- And maybe that's a way the victim could be more involved with the system is through the probation officers, through the case workers at the jail. Because these are the people who are supposed to be dealing with these - I won't call them criminals - whatever. Whatever you want to call them. Maybe I should have been more involved with them because that gives me a better idea of where I stand with the criminal.

... He's a very angry person, he's angry at everything. And because I allowed myself to be abused, because I was scared of it, he abused me. I guess I have him -- I have to watch what I say. I know now that I should have charged him the very first time, probably left the first time too. Yes, I was his target for everything. Yes. If he had a bad day, it was me that got it. If his cigarettes were stale, it was me that got it.

COMMISSIONER: Were you to blame for it?

MADISON: Never.

COMMISSIONER: No, I know that. But if he had a bad day were you saying that you were to blame for his bad day?

MADISON: If he decided that I did something that was the reason for his bad day, yes I was blamed. But he didn't have to come and say, he didn't have the respect to come and say, I'm having a bad day, I'm going to beat you up. He just -- And I mean, he didn't beat me up all the time, just, you know, like a constant -- And there were the violent attacks, I mean they weren't every day.

No, except for if I didn't do what he'd want me to do or I--but I mean, if he just came home from work and had a bad day or whatever, he didn't offer any excuse,

he just abused me. Verbally call me down. Make fun of me constantly. I was constantly his punchline. Yes, I was very definitely the centre of his attack.

COMMISSION: Will you ever be rid of him?

MADISON: Now I'm now -- Now this is how serious I'm thinking. If I shoot him, if I kill him. ... I'm not a violent person, I don't want to. I've gone through the legal system, I will continue to go through the legal system. But there's this self part of me that wants to live and, faced with him or me, I choose me. I hope it doesn't get to that but there's every indication that he's coming after me again.

And when these men realize that you're really honestly done with them, that's when the real violence begins. You know, I mean he would smack me around before but he knew that it wasn't over in my heart. He knew he still had control. When they lose control is when the real violence will begin. That's the war.

COMMISSIONER: I shouldn't ask this but I'm going to. Do you think that's ahead of you?

MADISON: Yes sir, I do.

This first part was also part of the war because he knew this time I was serious, that it was over for me, that I was going on with my life, it was over in my heart. I was not willing to take it any more. I felt no sympathy for him because he chose not to continue. I warned him for years that one day I would get tired of it. And, oh yes, it's ahead of me. Behind me. It's all around me.

COMMISSION: How old are you?

MADISON: I'm 32. I'm too young to die. So, yes, I do feel like there's more to come. And that's because he wants it, not because I want it. I just want to get on with my life, that's all I want to do.

COMMISSIONER: What recommendations should I make in the light of what you have said, your fear that something may happen (unclear)? What should I suggest the justice system should do in order to--that (unclear) something about that?

MADISON: Well everything they possibly can. But what can they do? I definitely want to see a very strict bond against this man when he comes out of jail. I would be very shocked if there wasn't one. And what else can the system do?

COMMISSIONER: Your suggestion, if I read you correctly, in certain circumstances, the system is helpless.

MADISON: Of course. The system is in no more control of this man than I am. The system can only do so much, unless of course you'd like to lock him away forever. No, the system can't be held responsible for "Bob's" actions any more than I can. I can only protect myself to a certain point and the system can only protect me to a certain point. And the rest, I'm hoping for a miracle.

COMMISSIONER: Is there anything else you'd like to get off your chest?

MADISON: No. I'm very grateful that you have gotten the women in here, that you have chose to see that we are important in family violence, because I think we're the most important. ...

Well I really believe we are. We are the victims, we are the people who are going through it and I personally am very frustrated with it continuing. I think it should be made to stop, I don't think it should be acceptable at all in society and I think that very drastic -- because it is critical.

COMMISSIONER: One more question. And it goes back to a matter you raised earlier, that the police and possibly the courts - I leave out the Crown Prosecutor's office because I gather they have a better grasp of the whole situation (unclear). Do you suggest and (unclear) heard the suggestion before, and it's very well taken I think, that there must be better education of the police and the courts on what it's all about. That was your suggestion I take it from what you said in your --

MADISON: Yes.

COMMISSIONER: They do have seminars but I'm wondering if in those seminars they are also missing the most important people. ... Would it be a good idea if they also hear from somebody who has been through the mill --

MADISON: Yes.

COMMISSIONER: -- as I have listened to you?

MADISON: Yes I think it would be a good idea. ...

COMMISSIONER: Would you be willing to do it? ...

MADISON: I know there are many women who would be more than willing to do it because it's a necessary part of opening people's eyes.

COMMISSIONER: Okay. That's all I wanted to know. Anything else?

MADISON: No.

COMMISSIONER: You were in a relationship --

BETTY: I was in a relationship.

COMMISSIONER: -- and at the outset, as in all relationships, I presume things went smoothly? ...

BETTY: In the very, very beginning things were fine but as we started even dating I found that--that he had a really bad temper and, of course, being the way that I was I assumed that, well, everything will be fine once we get married. That this person will change. And as we get a little bit more mature -- ...

Okay. So, as I said, I figured that things would get easier as time went on but his temper -- He did have a bad temper. He was noted for his bad temper even through school and he was noted for his drinking ability. But I grew up in an alcoholic home so it was something that I was just used to.

So we got--we were married and I was pregnant when we got married, which didn't make things very easy either.

Anyway, we bought a farm, his father's farm, and he worked very hard on the farm. And so I decided to stay home and be the wonderful farmer's wife kind of thing, sort of try to fit into that role of doing--making bread, being there, doing everything, going to the barn, dah, dadah, dadah. The whole works. And I soon found out that you can't do that. I'm just -- Well, I can't do that anyway. I wasn't suited for that.

Anyway, we had one child and then I was pregnant again.

And it just seemed that I couldn't do enough to keep this man satisfied. I couldn't do enough work, I wasn't looking after the children properly, whatever.

And when I was three months pregnant, we went to a party - and this sticks really clearly in my mind - I wanted to come home. I was three months pregnant. He didn't want me--he didn't want to go home. So I said, fine, you stay and I'll go home. But he wasn't happy with that so he came home with me. And when we got home we got into a really bad fight and we were upstairs and he pushed me down the stairs.

So, anyway, I took off running out the driveway. His brother lives at the end of our driveway and I ran out there just in a nightie. And it was--it was, well

let's see, it was probably November. And I ran out barefeet or whatever and pounded on the door and said, you know, let me in. John's running out the driveway after me. Which he was. And they wouldn't let him in. And he started hammering at the door. And, anyway, I was really scared of what was going to happen because, like I say, I was three months pregnant. So after when John calmed down, his brother and sister-in-law took me out to the doctor to get checked.

And I felt really awful out there too because the doctor came to look at me and he said, oh, there's nothing wrong with you. You know, like, you should see some of the stories that I have seen, some of the women that I've seen sort of thing. And so I thought, yeah, okay, well, you know, it can't be that bad. And then I started to feel really stupid that I had made such a big deal out of this.

So, when we went back to my brother's house, I stayed there for the night. And my little boy was in the house with this man, like, his father, but I was really upset by that too and I couldn't sleep and I wanted to go in and get Matthew but I didn't feel that I could.

So, anyway, finally daylight came and his mother came over. And I told her what happened and she looked at me and she said, well what did you do to provoke him. And I thought, okay, I'm on my own here, you know. His mother's not supporting me, his brother kind of did but they, you know, they only took me to the doctor because I made a bit of a fuss about the whole thing.

So, anyway, John came out; everything seemed to be fine. Everybody was fine and so I just said, okay, great. So we went back in to the house and everything was hunky dory for another little while until, you know, his temper flared up again and it happened again. Not that he pushed me down the stairs but just that his temper and we were back into the same situation that he was always growling I couldn't do anything right, all this kind of stuff. So that just continued.

But, as I said, people try to make you feel like you're wrong or something. Or just be happy with what you have. That's just the feeling that I had. That I can't leave this situation. I didn't know where to go anyway. I--I thought I didn't. You know, I had by this time two little children, where do you go.

Then I decided I'm not the material to stay home and work on the farm. So I decided to go back to university. In John's eyes, he viewed that as me trying to be better than he was. He never supported me five minutes. All the way through university, I worked in the summer to pay for my tuition, to pay for the daycare. That the whole time I went through university, all he kept saying was, you're going to get educated so you can leave me. You're planning on leaving me, aren't you? This is why you're doing this.

So when I had to study, I had to wait until I got the kids into bed, I had to go out to the barn and do--to clean the milkers and all that kind of stuff, then I got to come in and study. As I say, he didn't--he didn't help me at all with any of it.

And he always made fun of all my university friends. Anything that had to do with university, he didn't want to hear anything about it. So, it was a really lonely kind of time. Everybody thought I was crazy for even attempting it because you have two small children, why are you doing this. And it was just something that I wanted to do. I always wanted to be a teacher and I thought I've got to do this now.

And I remember on graduation day at the university some of the people that--that said you can't do it were the ones that were shaking my hand and congratulating me. Everybody except John. He never acknowledged the day at all. We went over to "mother's" after and he just sat there and more or less sulked the whole day and never said a word. And then all I heard after that was, you think you're better than I am "Betty". You think you're better, you're nothing; you're stupid, you're an asshole. And just trying to keep me down. And didn't want me to succeed.

And then we--during this process time at university, we decided to sell all the animals on the farm, that we just weren't making any money at it. And he saw that as a failure on his part. So he was failing and I was getting higher up, he thought. And he always blamed me, to a certain degree, that we lost the farm because I supposedly was in control of the books so it was something that I was doing that we weren't making any money. It wasn't the fact that he was going out buying new tractors, putting in a new feeding system, buying $2000 cows. He didn't see that. It was my side, I was doing something wrong. I was spending too much money on groceries or, you know, things--very trivial things that he really built up.

Anyway, we lost the farm and he went back--he started working off the farm. And then I noticed that he was really changing a lot, that he was becoming very, very -- Like, his temper was getting shorter and shorter and shorter all the time.

And it was a real personality change. Like, you know, he always had a very short temper but I mean, like, wow. I knew that he drank but he always seemed to -- When we'd go anywhere, his friends could consume the same amount of alcohol and they would be fine but he would always want to fight, with me or with somebody. And I always wondered about that, why he wasn't able to drink any amount at all. And then I found out that he was smoking a lot of hash. And this was, I guess, why his personality was changing.

And then he started smoking hash in the house and smoking it in front of the kids. And, of course, all his money was disappearing because he was doing a lot, I mean a lot of this stuff.

And he came home one day from work and said that he had quit his job, that he was going to start up his own business. And I said, well, don't you usually wait until you sort of have a better inkling of what you're going do like, rather than saying I'm going to start a business. He didn't really know what kind of a business he was going to start; he just knew that he didn't want to work for somebody else. He just wanted to be his own boss.

So he quit his job. And I wasn't working at the time; I'd just finished university. And I was just freaking, wondering how are we going to live anyway. And then finally he --

We went to his class reunion one day about a month later. And my daughter was involved in making a TV commercial at the time so I went with her to make this and he went to the reunion. And I told him I'd meet him later. So, by the time I got to the reunion, I walked in the door and all I could hear was John's voice roaring over the crowd. So I tried to get him out, because he was making a real scene in there. So I tried to get him out, saying come on, let's go and we'll go get changed. I have an outfit for you in the car, let's--let's go.

So I got him outside of the university. And we were walking across the parking lot and he was talking about his brother. His brother is a C.A. So of course his brother is up on a level higher than John thought he was too. And he really started calling him down. And then I stuck up for "Charles" a bit and the next thing he was taking it out on me. And he had me down on the ground at the university and holding onto my hair and he was kicking me. And it just happened so fast. So I just got up and I started running. And, like, the car just seemed like it was five miles away but it was right there. And it was, like, I can't get there fast enough to the car to get in it to protect myself from him. So, anyway, I did get in. And it was the scariest feeling I've ever had. I got in the car and I was trying to lock the door to get away from him and, all of a sudden, this fist came through the--through the side window of the car and then I rammed the car into gear and then a fist came down and snapped a corner of the windshield. And I--I just took off and I went out to dad's. And I was just a nervous wreck by this time.

And I went home -- We got the car cleaned up a bit and I wanted his parents to see what he had done this time. So I drove out to "..." and I showed -- You know, I wanted to go in and talk to his mother plus my neck was -- It felt like he had snapped my neck and my back. And I just wanted them to see, like, that it wasn't all just in my imagination what was going on, this was real. This was really happening in our home. And, again, his parents just sort of shrugged it off and said, you know, you belong in there with him.

So I went into the house and some of his friends -- He always seemed to have friends who were able to pick him up and clean him off and, you know, look like he was the good guy kind of thing. So they took him home and dropped him off.

And, of course, he was just in a rage that I had left him here in such a condition. And he had cut his hand or his wrist or something. I think it was his wrist. And he was all bandaged up and, oh God, he was some mad.

So he got up the next morning and I asked him to leave. And, by this time, he must have been working somewhere else. He must have been working somewhere else. He must have started at another company. He worked in Summerside. Anyway, yeah, he went to work and when he came home I had packed all his things and I put them

outside and I said I want you to leave. And I said I'm giving you 20 minutes. Either you leave or I'm leaving. So he thought I was just joking. Like, he just laughed in my face at this you know and -- So -- I don't know why he left but he did. He left. And he was gone. We were separated for about four months.

And I didn't really have any trouble with him. He'd come back to feed his horse or whatever but he was fine.

And then, I wanted to get back with him. I--I just -- I don't know why. But I had gotten a new job and I knew I couldn't afford to stay on the farm by myself and--and I really missed the guy. I did. And I don't -- Anyway -- I went down and I remember begging him to come home.

So I had to go away for the weekend with my job and while I was gone he came home and looked after the kids. So he was moved back in when I came home.

And so we stayed together all that winter and then things were really bad all over the winter because he was still smoking a lot of hash and plus his condition was--he was getting really strange, having all these hallucinations sort of thing by this time. So, by May, I asked him to leave again because I just--I couldn't stand it any more. He was just spending money like crazy. And at the time I didn't know what was wrong with him but since then he's been diagnosed as being a manic-depressive, which--well that's why he had such a personality change. And he had all the characteristics, the spending money and the hallucinations and the whole works.

Anyway, that was in May and he was kind of scarier in that period of time because he was really threatening that time because he knew that -- He left the house but then I moved out.

I'm getting ahead of myself.

He came to my mother's house in August and my kids were staying with my father and "mother" for the weekend. And they--like, I say, he was a manic-depressive. And when he was manic, he was really high and really scary, really a violent person when he was manic. And he came to the apartment house and he wanted to see the kids. And you guys wouldn't let him in.

HER MOTHER: It was 12 o'clock at night.

BETTY: Yeah. And so he--he attacked my father and smashed him in the face and -- And even though all the times that John had abused me, I couldn't get up enough guts to press charges against him. When it happened to my father -- My father has pretty much the same personality as me and dad didn't want to press charges against John either, but finally we talked dad into it.

And I remember dad and I went up to the police station and finally got charges pressed against him so that if he ever did it to me again, at least he would have a bit of a record.

But it was so easy for me to drag dad but I just couldn't get up enough guts to do it myself. I don't know why. I don't know why. And one of the questions, why I stayed in the relationship, I really--I don't know why. It was just like one day I woke up and I said, I have had enough of this, I can't take it any more, this man might kill me.

Another incident that I forgot was something -- I remember he was looking for a shirt or something and he couldn't find it and I couldn't find it. And I remember, we were eating dinner, the kids and I were downstairs, and I had my back to the door and -- No, Matthew was in the living room. Anyway, Robyn was in the kitchen and I was in the kitchen. And I had my back to the door and, all of a sudden, I felt this hand on my head and he was smashing my head on the counter, roaring, like, where is this shirt. And I didn't know where the shirt was. And I--if Matthew hadn't come in from the livingroom and starting roaring - like, Matthew may have been three at the time. Like, he started screaming, dad. I don't know what would have happened because I--like, he had really -- He was a strong man and he had really big hands and he just had my head and just clunk. And I just happened to get away. And again I ran outside and he just got in the car, I don't know why, and just took off. And then I came back in. But, oh boy, that was one of the super scary parts that day. I remember that.

To get to get back to when dad was--when he assaulted dad.

Then I moved out of the house and he moved back into our farm house and I moved away. So it was just like a real burden had been lifted off my shoulders. I had my own place now. I thought I'm safe from this man, because he always felt that he could come and go as he

pleased because it was his farm, his home kind of thing. And I thought, okay, when I'm in Nine Mile Creek, I'm safe away from this man.

But he kept coming over to our house. Or he'd phone.

And I remember one night, he phoned and he was saying that he had no reason to live and that he was going to kill himself and he just said, good-bye, and hung up. So I thought, oh my God, the man's going to kill himself. So I jumped in the car with the kids, took off, still feeling responsible for this man even though he's done all this to me. I got in the car, drove out, and I drove up by the barn and there were no lights anywhere around the place. So I walked into the barn expecting to see him hanging there and not knowing what I was going to do when I saw him hanging there. Flipped on the lights. And he wasn't there. And I walked all around the barn and I thought, where is he. And I went up to the loafing barn and he wasn't there. And just as I was coming out of the barn, he flipped on the kitchen light. And there he was, sitting in the kitchen. It was just like he knew I was going to come out to check on him. It was just so freaky. He was sitting in there, waving at me. And I was just so upset I didn't know what to do. I was furious and I just felt so stupid that I had fallen for this. So I got back in the car and I drove away. And then when I got him, he was--he phoned and, you know, he was saying I really had you fooled that time, didn't I. And, like, I had just -- See, this guy is really sick. He really is sick.

So, he kept calling all the time saying, you know, that he was going to kill me or he was going to kill himself or, you know, he was going to kill his mother. One time he was going to drive the truck through their house and kill them.

And I just didn't know what he was going to do next. You know, he was just so unpredictable by this time.

And finally I -- When I went with dad to press charges, they asked me if I had a restraining order on John. And I didn't at the time so then I got one.

So whenever he would come to the -- Like, he'd drive up to the driveway and then he'd pull away. Just to test me, just to see, you know, I'm going to see what she does when I drive in. And I'd get really nervous because I wouldn't know what he was -- At this time,

he used to have long hair and a headband and used to dress really different from what he always dressed. Like, really bizarre.

So, anyway, this continued. And I started to get nervous. And he had a - what do you call him - is it a parole officer? Anyway, I phoned him and I said this is what John's doing and he's smoking drugs still and, you know, what are you going to do about it. And the man told me, well I have 200 cases or I have 100 cases, I don't know what each one of my people are doing. And you have a restraining order, don't you. And I said, well, like a restraining order doesn't mean a whole lot to somebody. You know, what am I supposed to do? Wave it in his face as he's maybe choking me to death? You know, it doesn't mean anything. And I said, I'm 25 minutes from the police station. By the time they got there, I could be dead as a nit, you know. And it just didn't mean--the law meant nothing to John. Nothing. He loved challenging it, you know. He was caught for impaired driving three times and he just laughed at it. He has a narcotics charge, he just laughed at that. It just -- So this restraining order was a joke as far as he was concerned. He could do whatever he wanted whenever he wanted. He was told he had to pay child support payments. I don't have to pay child support payments. And he never did. And he never will. He never will help me.

But yet he feels that he has all the rights to the kids but no financial obligations sort of thing. Anyway, I'm getting off track.

What else do you want to know?

Oh yeah, there were a lot of other times. These are just the ones that are standing right out in my mind right now. They're the worst ones that I can think of but, I mean, it was continual verbal abuse for sure. Like I say, my education really bothered him a lot and his way of keeping us on a level par was to call me names and to try to make me feel really stupid. And when I look back, I really was. I was really stupid to stay in the situation that I did. And, like I say, it was just one morning I woke up and I said I can't take this any more and I'm not going to take it any more. And that's the day that I left.

Yeah, he told them that my father had raped me. So, of course, then a big kerfuffle happened about that where we all --

COMMISSIONER: Who? You said he told them.

BETTY: Who did he tell?

HER MOTHER: Judge FitzGerald.

COMMISSIONER: Oh, he told --

BETTY: Why was he in court then?

HER MOTHER: He was up on the assault charge that time.

BETTY: Oh yeah, that's right.

HER MOTHER: It's Judge FitzGerald. And Judge FitzGerald was hearing the case.

BETTY: Right. Yeah.

HER MOTHER: And he asked him if he had anything to say.

BETTY: Right. Yeah.

HER MOTHER: And he said, yeah. He said, I'll f'ing well tell you what I got to say.

BETTY: Yeah.

HER MOTHER: He said she was raped. He said, he raped her. And he made the accusation the night that he was at our home that he accused "Bill"--he had phoned earlier in the evening and accused "Bill", made all these accusations against "Bill", things he had done to "Betty" and all this kind of stuff.

BETTY: So we had to go into a big --

HER MOTHER: A home study.

BETTY: About that. And, like, my poor father and, like, all the questions that he asked me and I don't know where he dug that up.

And he took on a different -- He changed his name. So that we knew when he was manic, he went by a different name. He went by the name "Rory Daniels". So when he would phone and say this is "Rory", I would know that, pooh, this is going to be a bad day. That, you know, that he's really going to harass me a lot. Like, we're going to get a lot of phone calls and stuff. And I

couldn't take the phone off the hook because I'm on a party line. And it's not easy to get a private line in Nine Mile Creek.

So, yeah, we knew that -- He was in Riverside and he's been in Hillsborough and he's been in Unit 9 and he's been everywhere, you know. He was in the detox centre and that was a joke and -- Like, it's all a big joke to him. He takes nothing seriously.

COMMISSIONER: Did you go through the court system?

BETTY: Just for my divorce.

COMMISSIONER: Just for your divorce. You didn't go through the court system for assault or abuse or anything like that?

BETTY: No. That's what I'm saying. That it was easy for me to get my father there but it wasn't easy for anybody to get me there.

COMMISSIONER: How did you find the court system worked in relation to the charge which your father laid? You would go to see the Crown Prosecutor --

BETTY: I--I wasn't involved in that at all.

COMMISSIONER: Were you in court when your father's charge --

BETTY: No, I wasn't there at all.

COMMISSIONER: So you have really no experience with the Crown Prosecutor's office --

BETTY: No.

COMMISSIONER: -- and you have no personal experience with the court?

BETTY: No.

COMMISSIONER: So you have no opinions.

BETTY: Parole officer is really about the only one.

COMMISSIONER: And that's understandable for the circumstances. Is there anything that you want to cover? ... My next question was -- Okay, you're a woman obviously who has suffered a different kind of abuse than some of the other women we've talked to but,

nonetheless, real abuse that has an emotional effect to it on you the same as the emotional effect the other women had because of the physical matters.

You never contacted the police. Did you ever contact the police, I should say, about the type of abuse that he was inflicting on you?

BETTY: No.

COMMISSIONER: Is there any particular reason why you didn't?

BETTY: A fear, I guess, of what he would do if the police were involved. I know that one time when he was in Alberta and he was coming home and I knew what kind of a state he was in out there, that he had caused a lot of damage just before he was on his way home. He was working out there and they were sending him home more or less to get rid of him out there. And I was a little bit nervous of what might happen when he came here.

And I went to the police to see if I could get some kind of protection, because I was afraid. And the feeling that I got - maybe it's a wrong feeling but it is my feeling --

COMMISSIONER: When you say the police, the RCMP?

BETTY: RCMP.

COMMISSIONER: As opposed to the City Police. Yes?

BETTY: Yes. The feeling that I got from them was I was a vindictive wife out -- And, as I say, it could be wrong; it's just my gut feeling. That I was just out to get this guy. It wasn't that I was out to protect myself; it was that I was out to get him.

Anyway, they--there was an outstanding warrant for his arrest for an impaired driving charge that they were able to pick him up. And I went out to the airport because I knew they were going to pick him up right off the plane. And I sat there and I watched through the rearview mirror of my car to see if they really were going to pick him up, because I was really, really scared that he was going to be back on the Island and I wanted to know firsthand that the police had picked this man up.

And I couldn't believe it. I was--I was sitting there and I'd gone in to talk to them and they knew how nervous I was of the whole situation and they treated him as if they were old, long lost pals. They were laughing and joking and carrying on when they were putting him in the car. And I couldn't believe it that they were treating this so lightly. Like, here I was sitting there terrified to death that this man was back on the Island and they were clowning around. And I just thought I can't believe this. Like, they didn't know I was sitting there watching all this.

But I didn't really get a good feeling from my dealing with the police. And when, like I say, when I went in, they--they just made me feel like why are you here and are you just out to get this poor guy. That's--that's the feeling I got.

HER MOTHER: And the night that you called "X" from our place.

BETTY: Yeah. That wasn't a good experience either. I was really upset.

COMMISSIONER: What--what's this?

BETTY: Yeah. What is his name?

HER MOTHER: "X".

BETTY: Yeah. He was the person that said to me, well I've got 90 other cases or whatever and I can't keep track of what everybody's doing. And it was just like -- All he had to say to me was I'll check into it or I'll see. You know, he just didn't give me the answer I wanted to hear. I was home, it was nighttime, I was really nervous that this guy was out there. All I was doing was asking for this man's help.

He came to my office and told me that he would do anything for me initially when all this started, when he became John's parole officer or whatever they call it. Is it a parole officer? Probation officer. That's the word. You know, he made me feel like there wasn't enough he could he do for me. And then the one time that I did go to him to get some help, he just made me feel like, you know, I don't have time for you.

HER MOTHER: The second time he told her that he wasn't going to do anything.

BETTY: Yeah.

HER MOTHER: He was as scared of John as we were.

BETTY: Yeah.

COMMISSIONER: What was that again?

BETTY: Well, the first time he said, you know, I don't know anything, you know, about John. I have too many cases. And he just sort of brushed me off. And, like I say, that was the only time that I --

What was the other time?

HER MOTHER: That was when you were -- Remember John threatened you with the knife and the kids and you came to our place and I told you to phone "X" at home on Sunday night --

BETTY: Yeah.

HER MOTHER: -- and you did. And "X" told you that he wasn't going to do anything because he was as scared of him as you were.

BETTY: Yeah.

HER MOTHER: And he said I have a wife and family that I want to protect too.

BETTY: Yeah. Yeah. Yeah. So, like, this man was -- When I came into the courtroom for one of the court appearances, they had guards on at the door and I thought what is going--who is coming anyway. And it was for John. So he was known, his personality was known.

COMMISSIONER: What court hearing was tnis?

BETTY: It was to set up I guess the terms of the separation I guess and I couldn't believe it. They had these two guards on the door.

COMMISSIONER: That was in family court?

BETTY: Yeah. Yeah.

COMMISSIONER: You have been separated from him for some time?

BETTY: Mmhmm.

COMMISSIONER: Has he bothered you since then in any way since this last more or less permanent --

BETTY: Well right now -- He was in a car accident in June and he's totally paralyzed so I think his days of bothering me are over.

COMMISSIONER: But up to then?

BETTY: Up to then --

COMMISSIONER: Was there any --

BETTY: Yeah. Yeah. He --

COMMISSIONER: What form did it take?

BETTY: Oh, verbal.

COMMISSIONER: Abuse or -- When you say verbal --

BETTY: Oh yeah, yeah. He--he--you know, he liked to try -- But the thing that really bothered him now is that it didn't bother me.

COMMISSIONER: You have been through the system, you know what an abused woman goes through. There are out there -- Well there's at least the various support services, the probation service and so forth. Is there any way that you would have like to have had been handled from that point of view differently than the way they were handled, apart from "X".

BETTY: A lot of--a lot of what happened was my own fault that I didn't -- No, to the point that I didn't go and look for outside support. It's a very--it's a kind of situation that you don't--that I, myself, did not like to involve a lot of people. It's not -- I don't know if embarrassing is the right word but at the time I felt like I was failing in our relationship, that I was this worthless person. You don't like to go out and talk to people about being a failure and that's what I felt like at the time. So I don't think I could--could have got in a car and gone to a support group. I just can't see myself doing that at the time.

And, as I say, it was my own fault that I didn't go and do that. I don't know how you would -- I'm sure a lot of people are in the same situation now that I was in, that it's just not something that you like to talk about.

COMMISSIONER: In order to help people, other young ladies like yourself, who are in the same or a similar position, would you have any advice?

BETTY: Only the advice that I just said, that--that you aren't alone in this situation and that there are these support groups out there. And, like I say, if I'd only been able to get up enough guts to go out and get some help from somebody and hear that you aren't worthless, that this isn't your fault, you don't have to take this, you will survive, you know, you'll get by. That's the kind of advice that I would give these people is to get out of the situation. You don't have to take this from anybody. ...

I really -- I don't know if I would call the police. This restraining order, like I say, I'm sure if the man is beating the pulp out of a woman, a restraining order is not going to mean anything to them. If they really want to get at these people bad enough, they will. And unless you live next door to a police station, a lot can happen before they get there.

COMMISSIONER: Let me ask you this ... Did you have a feeling of guilt, that it was your fault, that this marriage had gone on the rocks? The whole thing was --

BETTY: To a certain degree I did. Why would someone who I loved at the time and I figured loved me do this to me if it hadn't been for something that I'd done or hadn't done. Like, maybe I -- At the time I thought, okay, maybe I'm not doing enough to help him and maybe if I did more then I could make him happier. Yeah. Yeah, I felt that way.

COMMISSIONER: Now I didn't ask that in order to suggest that there was any. I was exploring the --

BETTY: No, but--but from my heart --

COMMISSIONER: -- theme --

BETTY: -- yeah. Yeah, from my heart, at the time I did believe that.

COMMISSIONER: That's interesting because that's a common characteristic with other women we've talked to. They feel guilty because the marriage or the relationship has broken up. They feel guilty because this so and so (unclear) or does this or that.

BETTY: Well you try to meet such high expectations to just -- Well, like I say, he had such a bad temper that you did all you could in all your power to keep him from reaching that point but you never, no matter how much you did, you never seemed to be able to do enough to keep his temper under control, because it just kept getting shorter and shorter and you would try to do more and more and more. And, like I say, no matter how much you did it wasn't enough. So you always tried to do more but it was never enough. Or it was never done well enough or -- So you always thought it was--it must be what I'm doing. I must be doing it wrong.

COMMISSIONER: Is there anything else now that ...

BETTY: I just -- Like, I guess that I'm impressed with myself that I survived through the whole thing because when you--when you first leave you certainly do not see a light at the end of the tunnel. You just think I'm not going to survive, my kids are going to starve to death, I'm -- There's no way I can get through all this and come out sane. There's just no way I can.

But once you get going and once you do find these support groups -- I found a doctor who I say that's why I'm sane, because of him. Because whenever I felt like I just couldn't take any more, I would phone him and I could go and talk to him. And he was very honest with me. If--if he thought I was doing something really dozey, he let me know it.

COMMISSIONER: Is this your family doctor?

BETTY: No it wasn't. It's my children's family doctor.

And he is what got me through all this and he knows that, I've told him many times.

But some of the counsellors I couldn't relate to.

COMMISSIONER: I was going to ask you. Did you take any counselling? Did you go to any support groups?

BETTY: Oh yeah. We've--we've been through them all. The children and I have gone for alcohol and drug problems, separation and divorce, manic-depression, and now we're going through paralysis counselling. And these kids are only 10 and 11 years old and they've been through all these counsellors. And some are very approachable

and some are just -- I just can't relate to them at all. Then again, that might just be a block on my part.

But I think people do need to realize the importance of having somebody that you can talk to, whether it is a friend or if it is a professional person and that's really important to have. Somewhere that you feel that you can go and you can just unload whatever you're going through on these people. Because, you know, I would be a basket case if it wasn't --

... It's--it's funny. Whenever I'm in a crowd of people and we discuss things like this and they always bring up the topic why does a person stay in a relationship like that. And, unless you've really been in the situation, you can't explain, the people--you just can't begin to understand why. Like, I don't know. I always thought of myself as a little bit strong-willed or having -- You know, I'm not a weak person. But, my God, when I started hearing myself telling this story, I just sound like I'm just so weak and so dependent on somebody and that's not how I saw myself at all. But when I listened to this story, I just can't believe that I'm that person that I'm talking about. Like, it's just so unlike me that I would stay in that situation.

COMMISSIONER: That's the very reason why we wanted to listen to two or three people who had been through this, through that problem, to find out from them. To get them to say in their own words. It's almost inconceivable for the person who has never been --

BETTY: Oh, I know.

COMMISSIONER: -- (unclear).

BETTY: Yeah. You know, why didn't you just leave? Why don't you just pack and go like --

COMMISSIONER: But if you hear the explanation from the people who have been there, it's an entirely different light on the whole thing. And you begin, begin, not completely but you begin to understand how and why a woman does remain in a situation like that. It's illogical, it's nonsensical, the rationale that they want to stay there. The perspective (unclear) but when you hear what we've heard today and what we've heard a couple of other days, somebody just opened their heart and said this is what is was like and this is how I felt, then you get some understanding of that -- And

this is why I wanted to speak to you and whomever we could persuade to tell us their story. Because this goes to the very heart of understanding one aspect of domestic violence. There wouldn't be any domestic violence if - and this is not (unclear) - if a woman, the first time any--she walked out. There really wouldn't be any domestic violence if that happened all the time. But this is the reason why. You have said this is the reason why you don't walk out, why you stay and so forth. And that's a valuable, valuable--one of the values of these discussions.

BETTY: It's a combination of many things I think why you stay. ... It is very complex. Like, it sounds so easy to say leave but it is not an easy situation to just walk out of there and there are many, many reasons why you stay. ...

Like I say, a lot of people -- It's not something that you really like to take outside of your home and talk about. And I mean, I'm sure for generations before us this is exactly what happened, that you didn't even talk about it as much as it's being talked about now. It was just something that you dealt with. Because these poor women had even less to take with them when they went.

At least I have an education and I can go out and get a job and I don't have seven children coming with me, you know. And that's what I found out about -- When I went to Al-Anon, for instance, some women who were just leaving after 35 years of marriage because they couldn't leave. That wasn't an option. They had to stay and put up with what they had to put up with. Like, at least I can go. I just -- I don't know why I didn't. I just didn't. ...

COMMISSIONER: Is there anything else that you want to say? How about you? Have you got any comment on this? You've been sitting there quietly. You were an observer to most of this, I'm sure.

HER MOTHER: Yes. A lot. Well, just like pretty much like "Betty" said. I mean, I'm her step-mother. I mean, I went through it with her father when I first married him, the abuse. Like, you know, being hauled out of bed by the hair of the head in the middle of the night for no reason whatsoever. So I knew where she was coming from because I had been there. And I came from a family where there was no alcohol and there was no abuse, no nothing. I came from a very loving family

and I found that really hard to deal with. But I knew where "Betty" was coming from when--when the abuse started.

And I told her right from the start that, you know, our home was open to her if she wanted to come and bring the children, she could come. And she knew that. And I hope she--and I know that she did over the years.

COMMISSIONER: Took her a little while to do that.

BETTY: Oh, we'd go for nights. Pampers and --

HER MOTHER: Well at the last of it, before Robyn was even born, when Matthew was just a baby, we had a playpen that we just kept for Matthew. And we had Pampers and we had formula and we had clothes. Because when these things happen, they always happen so fast that you just got out with what you could --

BETTY: Usually in the middle of the night.

HER MOTHER: -- and she knew that she could come to--come and stay.

BETTY: But I always went home the next day.

HER MOTHER: And she always went home the next day.

COMMISSIONER: What about the woman who didn't have a mother ... What about the woman who --

BETTY: Then I would think they would have to turn to places like Anderson House or whatever, that they could--that they felt that they could go there and be safe. Be it just for the night or the week or whatever. That's when I think -- Like, for myself, I didn't have to consider that because I knew I had several friends on the Island that if it was an emergency that I would go there.

But I always knew when I left for the night that I would be back the next day. I always knew that. Everybody knew that. You know, my friends always tried to talk me into staying for -- You know, I remember I went to a girlfriend's house at 2 o'clock in the morning and--and with two little kids. And I knew I couldn't stay there. But she--she sincerely wanted me to stay there. And we sat up all night going through the paper trying to find apartments but I knew I was going home the next day. And I think basically she did too.

So I didn't have to consider these other places but if--if I had to get out for a night and I didn't have them, I think I would consider going somewhere like that.

COMMISSIONER: Let me ask this. This is a purely hypothetical question. Suppose your mother didn't have a place ... and you went into Anderson House ... and if at Anderson House you said well, I'm just going to be here for the night. And if they had advised you not to go .. would you have gone the next day?

BETTY: I probably would have went home. Yeah, at that point -- At that point in my life, I -- It was just not something that I was ready to do at that point and, as I say, many times I don't know why that day that I asked him to leave was any different than the next day. I don't know what happened. It wasn't that some big catastrophe happened. Well, the reunion was pretty big but --

COMMISSIONER: You know what happened. You just suddenly said that's enough.

BETTY: Yeah, I guess that's just it. I just--I had had enough. I just--it wasn't worth it. I wasn't getting anything back. I was giving, giving, giving and he wasn't giving anything and I just said this is enough before I go out of my mind.

But, no, I would have just packed up my bag and left Anderson House. I probably would have been back several times but I probably would have went home too.

And that's a sad situation. It is terribly sad. And I feel so bad for people that are in that situation because I know how helpless they feel. So helpless.

THE ORDEAL OF "JANET"

JANET: I met--I met the man who was my batterer in the spring of 1987. ... I'll call him Bert.

Okay. I met him in the spring of '87 and we hung out together and travelled in the same group of friends. And in August of 1987 we started to date and to have a relationship. In--over that fall there were all kinds of--in retrospect when I look back on it, there were all kinds of signs of--of what was happening but I didn't pick up on them.

He was--I was--I had a child. I was fairly settled and happy in my life. I wasn't looking for a marriage partner. I really thought that I had found the ideal man. He didn't want to live with me; he didn't want to get married; he just wanted to have a good time and loved me and it was great.

But there were signs. There was a lot of--of -- I keep journals. I kept a journal right through the whole thing. I write every day. And I kept -- When I look back and read it, there were a lot of--there was a lot of build-up, there was a lot of name calling, there was a lot of put-down. It was very subtle. It wasn't non-stop. It was very, very subtle.

But in November I found out I was pregnant and he panicked. He just panicked. And the--that's when the physical abuse started. And it started with pushing and shoving and pinching and threats with his fists. He was--he's very strong, very big. And he--all of that started.

And it ended--it carried on until just before Christmas when we went off -- I was by that time, I was just a wreck. We ended up--we went off the Island for a trip before Christmas. We came--on the way back, we got stuck in a little town in--just on the Quebec-New Brunswick border. And I was lying on the bed, I was very sick. I was lying on the bed in the hotel room. He was sitting at the table. He was figuring out the cost of the trip and how much money I owed him for the trip. And I said, well don't forget I just gave you $250. And he grabbed me off the bed and picked me up and hit me. It was the first blow that I took in the relationship.

And with that blow, he smashed my nose, broke both my cheekbones, blackened both my eyes. Wouldn't bring me back home. This was six days before Christmas.

He then tried to keep me off--away from here until everything healed. He got very upset with me because I wouldn't wear dark glasses. He bought me sunglasses. I wouldn't stay home when I got home. When people asked me what happened, I told them what had happened.

We broke up. I ended up in the hospital with all kinds of complications. I got out of the hospital three days before Christmas. When I arrived home, he was in my house. He'd set up the Christmas tree for me, he had done all my Christmas shopping, he was being absolutely wonderful.

That lasted until Christmas Day. Christmas Day, he came over, we ended up having a great big fight. I told him to get out. He went off. I didn't see him for a week and a half. A week and a half later, I woke up in the middle of the night and he was standing beside my bed. And he had broken into my house. And that was when I --

And that started a whole series of events. I was trying to get away from him, I didn't want to be with him. He wouldn't go away. If I could get him out of the house for any length of time at all, he'd be waiting outside. When I'd go to go grocery shopping, he'd follow me uptown. I couldn't go out. He'd break into my house in the middle of the night.

In March of that year -- So it was the relationship was off and on at that point. Because often it was easier for me to let him in and to talk to him and be with him than it was for me to keep him out.

But, anyway, in March of that year, we went out one night to -- It was the first time that we'd gone out since before Christmas. And we went out to hear a band. There was a good band playing down at the Showboat and we went down to hear the band. And he was awful all night. I was dressed wrong, the band wasn't good enough, we were sitting in the wrong place. It was just non-stop and finally I said I'm going home. Got up to leave, he drove me to my house. He refused to leave. I told him he couldn't come in. He came in anyway. I went to bed, went to sleep. I woke up at 4 o'clock in the morning and he had me by the hair and was banging my head on the window sill. He completely trashed my apartment. He broke a bottle and cut me with the glass. He burnt me with cigarettes. He -- I had two perfect handprints on my neck two weeks later when I went to the doctor. I was covered with bruises

from my neck down. This time he didn't touch my face. He broke--destroyed my television, he broke dishes, my whole apartment was just trashed.

This was the first time the police were called. The people downstairs called the police. Two police officers came.

This was also the very first time that he had threatened me with death. And he was sitting on me at one point on the bed and he was just beating me from--on my arms and my chest, pulling my hair, banging my head on the bed, banging my head and dragging me up and banging my head on the window sill again and he started saying say something so I can kill you. Do something so I can kill you. And that's when the death threats started.

And the last thing he said as he was--he took off. As soon as he was finished, he took off down the stairs and when he was going down the stairs, the last thing he said to me before he went out the door was if anything comes out of this, you're dead.

The police officers arrived about five minutes later, came into the house, noted all the damage in the house, noted the bruises on me and the marks on my neck and the back of my head was bleeding and told me that there was nothing that they could do because he didn't live with me. They could take me to Anderson House, however they did that.

I ended up arriving--I arrived at Anderson House about 4:30 in the morning. And they wanted -- I remember they tried to get me to go to the hospital at that point, the girl at Anderson House, and I didn't want to go. It was just--I just didn't want to go.

But I went later on and I had a hairline fracture of the skull was the only damage and he had done--he had re-broken or re-unaligned my nose or something. Anyway, I couldn't breathe. So I ended up -- That's when I started going to Dr. MacMillan about trying to get my face fixed.

But anyway, Anderson House didn't believe me when I said that that's what the police officers had said. They called the police. The police officer on the desk said exactly the same thing, there's nothing we can do because he doesn't live with her.

I went home after ten days. No. I went home the next afternoon to get my toothbrush and stuff and nightgown and just some stuff to stay there. I--when I was in my apartment getting my toothbrush, he arrived at the back door of the apartment and, when I asked him what he was doing there, he said that he thought he had killed me and he wanted to find--he wanted to get there before Jonathon, who's my son, walked in and found the body.

I went back to Anderson House. I stayed there for ten days.

During that time I got in touch with a counsellor at Richmond Centre and I also heard about the Turning Point program.

He started calling me the second day I was in there and I got at least two or three phone calls every day from him.

I suggested to him that he take the Turning Point program, which is the program for abusive men. He agreed to do that.

I went home. He went for the preliminary interview at Turning Point. The counsellor he saw at Turning Point phoned me and advised me very strongly to go back to Anderson House for a few days. He felt that the situation was critical and I was in a great deal of danger.

I went back to Anderson House for four days. Went back home after they got him into some kind of counselling.

In May of that year, he came up on Mother's Day. He broke my back that day. He picked me up. He's--this man is a boxer. He's very big and very strong and he picked me up and put me over his shoulder and snapped the small of my back down and he was fooling around at the time. It wasn't--he wasn't trying to hurt me.

But--and it took me a long to realize that that's part of it. It was I think in July of that year that I realized that he knew what he was doing when he hurt my back, that this was not a man who was out--he was angry at me. It had nothing--it was like it had nothing to do with me. It was like I felt like I was just there and that's why it was me and I made -- I decided at that point that it was over for sure.

In the meantime, the police had been called to my house probably between March and July at least 10 or 15 times. Every time, I was told that I would have to lay the charges, that they couldn't charge him. And I didn't know that that was wrong. And that's what they were telling me.

But anyway, in July, I made a -- I mean I really decided that I'd had it, that this was it. I started to try to keep him out of my house. I had moved to move into a house that I thought was more secure, that I could keep him out of because I had no way of keeping him out of the house--of the apartment I was in at that time.

He again he kicked the door in. The frame would fly off the door and he would just put it back and then the police would come and they'd tell me well he didn't do any damage.

And over that--over July and August, it was the--the harassment was unbelievable. It was just unbelievable. It was non-stop. He was outside -- I didn't go anywhere. I didn't go out of the house. Once a month, my father or my mother would come and pick me up and drive me to the grocery store and around to pay my bills and that was it. That was my total outside because he'd always be there every time I'd go.

He followed me from the house where I was on Gerald Street, one day he followed me up University Avenue, kicking me, hitting me, spitting on me, knocking me onto the ground. This was at noon. Nobody did anything except some men yelled things like you show her buddy; need any help buddy.

I was assaulted on the streets of Charlottetown four times in that period of time and not once did anybody offer to help me. People frequently offered to help him but nobody ever offered--not once did anybody ever stop or try to stop him or try to help in any way.

And that was really terrifying to me. I--I--I was very naive. I had -- In the good old days when I was growing up, it just didn't happen. I just never -- I never heard of anybody or knew anybody or -- When I thought about domestic violence, it could never happen to me because if a man had hit me, I'd just leave. I left my husband because he hit me. And--once.

And the frustration and the pain of being--of being so stuck and so isolated and there was no support. I was terrified. I wasn't seeing anyone. I had no friends

coming. I was terrified when my family was there because he was making threats against everybody in my life. And the isolation was--it was just almost overwhelming.

It got so bad that in August --

I mean, and the police were in and out of my house all the time. It was horrible. It was just horrible. And I never called them. This was always neighbours calling the police. I never called them. I had had my telephone taken out of my house because of the harassing phone calls I was getting from him at that point.

COMMISSIONER: What was the reaction of the police?

JANET: There was nothing that they could -- The general attitude was he was never there. And they--what they kept telling me was if they could only catch him there, it would be different. But--but he was never there.

And there were a couple of officers who were absolutely wonderful, who were -- I felt like there were a couple of them that really would want to have done something but they really couldn't do something and it was -- When I found out through Victim Services --

In the meantime, Victim Services had called me. Ellie Reddin Conway from Victim Services had called me. And she had told me that, no, they have to press the charges. We can make them press the charges.

But I was really scared. By that point, there'd been like three more months of terror and I was really scared. At that point he was threatening to kill my son and kill my parents and kill my sister and kill my friends. He was going to kill anybody if I tried to get any kind of help.

But, in August -- In August I was -- By August of 1988 that would be, I was so terrified I figured that there was no way that I was going to live.

And I went--I dropped into the police station one day and I got a peace bond against him. And--and the police officer, the court officer there, did all the work for me and got it no problem.

And five days later, I ended up being rushed into the hospital from work one morning. I was in--I had been in a lot of pain all summer. I had been taking muscle relaxants with my back. I hadn't gone to a doctor with

it. I had no idea. I went in to see Dr. Barry Ling on the--one morning. On the 22nd of August. I got the peace bond on the 15th of August and on the 22nd of August I went in to see Dr. Barry Ling to see if he could give me stronger pain killers. And he did an examination in his office and took me to the hospital and did an operation the next day on my back. And four days later, I had my nose reconstructed and work done on my face. And I got out of the hospital towards the end of September.

And he had come to the hospital to see me. And I had told them at the hospital that I didn't want--that I had a peace bond against him and they said they weren't in the--in the protection business and they didn't have the staff or the wherewithal to keep him away.

And when I got home, two days after I got home, he arrived at my house and started banging and kicking on the door. And the police were called and the police officers then told me that because he'd seen me in the hospital, I had nullified the order. That the thing no longer mattered because I had broken it.

Anyway, so all that -- No. On the 10th of October, I went to the doctor because I thought I had cancer. There was a big lump in the front of my stomach and I went to see Dr. Cudmore. And he told me that, after examining me, that I was approximately six months pregnant.

And I went back home and decided that I couldn't -- I didn't know what I was going to do. I was in a back brace. I couldn't breathe. I--I was a wreck.

And he intensified it. I got a phone in because I was so worried. I was scared. I had a phone--I had a phone put back in my house. I was getting non-stop phone calls. I had had an unlisted. He had showed up at my parents and threatened to kill my mother and she ended up giving him the phone number.

He was on the phone all the time. He came into the house--he kicked the house--the door in one day. And arrived. And he did damage to the door. My landlord decided not to lay charges for damage to property.

They would come and they would take him away. They would take him out of the house and nothing would ever happen. It was just --

I had the baby in--the end of January.

Over that--by--he went back to Turning Point again. He'd already completed the Turning Point program once. He went into the Turning Point program again in early October. When we found out about the baby, he went back to Turning Point. The second session that he went to --

He was meanwhile -- He -- The phone calls were increas--the threats were increasing, the threats of violence were increasing. The violence itself had decreased but not that--that -- He was still pushing, he was still punching, he was still choking me, he was still grabbing me and he was still raising his fists to me. So I was just as terrified as when I was being beaten regularly. But the actual physical violence had decreased at this point but the emotional and the psychological violence had definitely increased.

The second session he went to Turning Point, I -- He'd gotten into the habit of phoning me about 12 o'clock at night and he would go on for an hour to two hours of obscenities. Just non-stop obscenities about various things he was going to do to my children and to my parents and to myself.

If I hung up the phone, he would come over. If I didn't answer the phone, he would come over. As long as I picked up the phone and said hello, I could just lay the phone down and he would just go on for hours.

And the second night--the second session of Turning Point, I taped a call. I taped 45 minutes of one of the phone calls. And the next time the police came to my house, I begged them to listen to the tape because I kept thinking if anybody could know what was happening that they would do something. And they wouldn't even listen.

I was told by 7 police officers over that fall and early winter that a tape was not admissible for evidence. And I said I didn't want it used as evidence, I just wanted somebody to listen to it.

Everything went pretty much the same until after the baby was born. He was pretty good until six weeks after the baby was born. And then it started again. All of it.

In May of that year, Victim Services contacted me again, asking if, because of the--all the calls going in about this--our situation to the police, they should -- Victim Services mailed me a letter.

By the end of July of that year, I knew that he was never, ever -- It wasn't ever going to change, it was never going to stop. He, at that point, had started threatening directly my parents.

He was out of control. He was absolutely out of control. He was--he would sit on my street at 4 o'clock in the morning beeping the horn and yelling obscenities if I wasn't letting him in.

I -- Again, I wasn't going out. I was isolated. Again.

The police -- I figure over, from the spring of 1988 -- I sat down and tried to figure it out from my journals just before I went to talk to the police officers. And from my journals, I think from the spring of 1988 until June of 1989, the spring of '88 of till the spring of '89 I think the police had been into my home at least a hundred times at that point.

They had -- I had given up. Nobody -- There was nobody. There was no way of help. The only support I had was from Anderson House and from Victim Services.

And in I think late June or June of that year, Victim Services sent me another two pieces of information. One was called **The Cycle of Violence** and the other one was called **Leaving Your Abusive Partner**. And when I read the paper, it was a little booklet thing on the cycle of violence, it was like a light went on in my head because it was the first time I realized that I wasn't alone, that it happened -- That there were a whole -- That this was just part of what was happening to all sorts of women all over the place. Everything that it said about what happened, it was me. It was like it was written for me. And it gave me some kind of -- I started to get mad and I think that it was the first time -- I was so scared that I--I wasn't allowed to get angry of -- If he drove the car over my foot, I was not allowed to express displeasure.

And I started to get mad, but inside. It wasn't like a ranting and yelling. It was just -- I just got mad. And I made a decision, after reading that, because of the baby, I didn't feel like I could -- I didn't feel like I had the right to cut him off from his child completely. I told him at that point in time --

I moved again. I moved into a house that he could not get into. It was the first house -- It was the first of three houses that he could not get into without breaking a window, without doing damage that he

couldn't possibly fix before the police got there. It had a big steel door on it. It's a great house. Nobody can get in there.

They showed me how -- Over the time, the two police officers I was dealing with quite regularly had showed me how to seal off my windows, how to put chairs underneath my doorknobs so they couldn't--it couldn't come in. I had put chains on my doors, I had put sticks in the windows so they could only go up that far. I mean, I just had my house was terrorist proof. There was no way that anybody could get into that house without coming in through the window.

And I--what I said to him at that point - and this was around the end of June - was I would like it if you could continue to see the baby but I'm not seeing you any more.

We tried to set up -- I tried to get him to make times where he would come and see the baby. He wouldn't do that. He'd show up at my house to have visitation at 11:30 at night, drunk. 4 o'clock in the morning, drunk. He would stand out in the street and yell obscenities. I would not let him in my house. It was--I was starting to do something for me.

And, about the end of August, it just was insane. It was just insane. It was--he was outside my house all the time. He quit his job so he could harass me. He was there all the time.

There were a couple of incidents of really bad incidents where he got me. There were two bad beatings in August when he got me when I had stepped outside the door and he just drove me back into the house and beat me up and left.

At the end of September, I told him that he could no longer come to my house, he could no longer see the baby. The next day he was outside standing on my lawn at 5 o'clock in the evening yelling that he was going to kill me and he was going to kill my older son, he was going to do whatever he had to do to get the baby. And that continued for three days. The police were called 4 times in that three day period.

I went to -- I told one of the officers that this was it. I knew that there was no way that I was going to get out of it. It was going to be me dead or him dead and I told him that I was going to get a gun. And I

was going to deal with it myself. And they charged him. Uttering threats of death. That was the--the first charge was laid on Thanksgiving Day.

And he got worse. The phone calls were coming non-stop. I had gotten in touch -- I had asked the man -- I had had my phone taken out again because of the phone calls. I asked the police officer, I said, great, charge him but give me a few days. I wanted to get a phone in and I wanted to get in touch with Ellie at Victim Services.

Ellie came over and she was just wonderful.

They laid the charge on Thanksgiving Day. I had gotten a phone in the Friday before.

He got worse. He was up and down in front of the house all night. The phone calls started again. Ellie was at the house one day. I was writing everything down and she was reading through the notes that I'd been making about what had been going on. This was three weeks since the charge had been laid. While she was sitting in my dining room, he drove up. He was--he just drove up and down the street 14 times. Then he started phoning. He phoned 5 times while she was there and I just kept hanging up. And she got real mad and she jumped up and went down to the police station, talked to a police officer down there, she came back and picked me up, I went down and talked to the police officer again. They laid the second charge and they put an undertaking on him.

A week later, he broke the undertaking. He stopped me on the street. He was driving a bicycle, I was pushing the baby in his stroller. He pulled the bicycle in front of me on the sidewalk. He stopped me. He started yelling that he was going to take the baby. I was screaming for help. I went home, I called the police. I called Ellie and then I called the police, told them what had happened.

They arrested him on a violation of the undertaking. It was on a Friday night. His lawyer took him in front of a Justice--they arrested him and he spent that night in jail. His lawyer had him in front of the Justice of the Peace the next day. And the Justice of the Peace let him go. It was a minor infraction she said.

The police officer phoned me to told me that he was out again. The police officer was crying. I'll never -- They were finally starting to believe that I was in real big trouble.

It was funny because there were--over the summer there were a number of times that one particular police officer came and he was a particularly unsympathetic police officer. The day that Carrie McMurrer died, but I didn't know it was that day, I didn't know about it, at 11:30 that night this police officer phoned me to make sure I was alright. And I was very puzzled. I didn't know what, you know, what's going on. Is he running around with a gun. I was terrified. I didn't know. And I realized the next day. The next day I phoned another officer who I felt was more sympathetic and he told me that they were scared to death because it was so similar. It was just so similar.

Anyway so -- Then I had -- All of a sudden the police officers who wouldn't do anything - this was in between the first charge and the second charge being laid - the police officers who weren't doing anything, they were driving by my house all the time, they were phoning me all the time. It was incredible. It was just incredible.

Anyway, then the second charge was laid, then the undertaking, then he violated the undertaking, then Justice of the Peace let him go, then Gary Clow called me and he was crying. He was very upset. He was determined at that point that this -- I was in big trouble and he knew it. And he was going to help. And that's when he went to Mike Quinn and they started getting a case together for me.

In the meantime, he filed -- I told him that if he wanted visitation he was going to have to go to a family court lawyer and we were going to have to do it through the courts and set it up through the courts because I couldn't do it. We had tried to set up something whereby I would take the baby to his mother's house and he would have a visit. But he was there. He wouldn't leave me. ...

We got--we had our date set, our trial--our date was set for December the 10th of 1989 for the family court hearing. I had Kent Brown, Legal Aid lawyer, for my lawyer. I had collected a bunch of stuff. I did not want him to have visitation at that point because I was terrified that he was going to take the baby. I was -- I -- He said--he had threatened this and I was terrified that he was going to do it so I was fighting the visitation at that point. And I had brought in a big box of stuff to Kent and in the evidence was the tape that I had made because I wanted him to know what he was fighting for.

And I went in to see Kent one day for an appointment - this was December the 6th - and he said that he didn't think that we were going to win. He thought that we were going to lose the visitation thing. And I said, well did you read this stuff. Did you go through this stuff and he said yes. And I said, well did you listen to the tape and he said no. And I said, well you go home tonight and you listen to this tape and you tell me that a man who threatens to cut the arms and legs off of a 12 year old boy and mail me the body, that a judge is going to give him visitation with a baby. And Kent took the tape home that night and listened to it. He was in Dick Hubley's office with the tape at 8 o'clock the next morning.

I got a phone call from Kent at 12:15 telling me a police officer would be picking me up at a quarter to 2 to take me to the Crown Prosecutor's office. I thought that they were charging me because I'd gotten very upset in Kent Brown's office the day before. I didn't hit him or anything but I was yelling at him and stuff. And I thought that I was being charged. Okay? I got in the police car and went to the Crown Prosecutor's office absolutely convinced that I was going to jail. And they told me that he--he was in jail. Bert was in jail. And had been since 10 o'clock this morning. The Crown Prosecutor and two police officers had listened to the tape at 8:30 in the morning with Kent Brown and they arrested him and they put him in jail at 10 o'clock that morning.

We went -- The day that we were supposed to be in court for the visitation hearing we went in front of Judge Plamondon for - I can't remember what you call it - a remand hearing and Judge Plamondon remanded him.

And over that spring I--over that spring, I spent 81 hours with Dick Hubley. He--we went through -- He had -- We had over 100 possible charges and we--and he elected to go with 14 that had happened since the tape. He just started with the tape and went from there. And we let everything go before that, which means that he never was charged with any of the real violence. He never got charged with any of the real violence. He was charged with I think it was 7 uttering threats. There was 14 charges all in all and there were 7 uttering threats of death, 3 or 4 assaults and one that they charged him with the violation of the undertaking and uttering threats of bodily harm and all that. We were in and out of court January, February, March, April. He finally pled guilty. He kept pleading not guilty. And first he elected trial by Provincial Court

Judge and then he elected trial by Supreme Court Judge and jury and then he elected trial by Supreme Court Judge alone and then he pled guilty. And then we went into court in April for the sentence hearing in front of Judge Matheson and she -- We presented evidence, we listened to the tape in the courtroom and in May, on May the 4th, he was sentenced to one year in jail.

In June of that year, I was contacted by the Parole Board, parole officer or something, because he'd applied for parole. He was out on August the 24th.

Anyway, he was out on August the 24th. And in September he applied for visitation with the baby. All that fall the parole officer was continually phoning me. He wanted a picture, he wanted to bring Christmas presents, he wanted, he wanted, he wanted. At one point the parole officer -- I was being harassed by the parole officer for him. That was what happened to me. And I was so messed up that I didn't even know it. And if I had of had a brain in my head I would have charged her with harassing me. But I didn't.

And he--we went into court on--in March. The hearings kept being postponed for the visitation. We went into court in March, he was granted visitation in May. And now I take my baby every Wednesday night for one hour to the courthouse between 6 and 7 o'clock so he can have supervised visitation with his probation officer and his supervisor. That's under appeal.

The probation officer, as ineffective and dangerous as the parole officer was, the probation officer [Robbie Munn] is the opposite. She refuses to run messages. She's very, very good at her job. She does--she--she--there's no kind of story happening or no history happening. She just does what she's supposed to do. She will relay messages back and forth and allow me to make my own decisions but it's not--there's never any pressure on--from her to give him anything. The parole officer at one point said to me well, we've refused him an awful lot. I really think that he's getting close to the point where he's going to break; I really think you should let him give him Christmas presents. And there's none of that from the probation. Probation is as effective as parole was ineffective.

As to what should be done. When I started, when all this started, I was a political science major in university and I had every intention of going through to be a lawyer and when I was doing that, I saw the justice system as a block. And when--now that I've

been through it, I realize it's not a block. It's a bunch of interlocking blocks and if one part breaks, if one part--if--if the police and the court officer and the Justices of the Peace and the judges and everybody and it's all interlocking and a judge --

I work with women now and I go to court a lot with--with clients and I see a judge who knows that this woman is being hurt terribly, I see the judge give probation with a no contact order on the probation. I've seen more times than I can count where -- This last one we were in court on Wednesday, he got a no contact order, the judge made it very, very clear that visitation was to take with the children was to take place on Friday, he wanted it ironed out through the probation officer before Friday how the children were going to be picked up and stuff. He showed up at her house Friday. He showed up at her house Friday. The RCMP wouldn't do anything. There was nothing they could do. He's allowed to stand in her driveway. But she's got a probation order. She's got a no contact order. Does she have it? They wouldn't do anything because she didn't have the piece of paper.

You get a guy at the police arrest somebody because he's violated an undertaking or a court order, an order of the court. A Justice of the Peace, without hearing any evidence, let's him go, decides not to charge him.

In domestic violence, in this issue, it's like -- My frustration with the police was -- There were times when I had police officers in my home, 3 separate units of police officers in my home. Three in one day was the record. None of those officers had any idea that anybody else had ever been in there and I was--I was hysterical. I was hysterical. And you cannot -- Three-quarters of dealing with the world is being able to communicate with the world and when you are being beaten and threatened and when you are emotionally just stamped erased, you cannot talk, you cannot function. My logic, my ability to process thoughts, to follow a thought was non-existent. I was living -- As a battered woman I was living seven days a week, 24 hours a day, trying to live to the next hour. And you cannot deal with this system the way it is when you are in that state of mind.

I was very fortunate because I kept records. I -- Every incident that happened I had it on paper. Now he took a lot of stuff out of the house but I did hide a lot of it and kept it. I had the tape. But it was

just luck. It was just blind luck because of the person I am. I think it was how I kept a hold of myself some.

But women can -- You can't -- A woman who is--who is not educated, who is not--who has never in her life had any kind of dealings with an academic world, with intellectual, with talking to people, being clear, being coherent, you can't expect that woman to get out of this situation herself. She can't explain. She couldn't explain to the doctor the symptoms of what she's suffering. I couldn't -- It took me a week and a half when I had a fractured skull, with my head bleeding for the best part of three days, it took me a week and a half to figure out it was a headache I had. That's what happens to your mind. You can't --

People see domestic violence as oh well, she did something, it pissed him off, he hit her. It's not true. It's not the case. It's not the case in my case and it's not the case with any of the women I'm working with. These men are not angry at the women. There's a lot of anger, it's very deep, it comes from a very long time ago. These men aren't out of control. These men aren't angry. It has nothing to do with anger. It has to do with control. A man who is absolutely blind, raging mad and out of control doesn't make sure he doesn't hit a face. If this man is so out of control that he has to hit, why doesn't he hit his boss? Why doesn't he hit the police officers who come? Why doesn't he hit anybody else? Why is it just this one person?

What you are is a target. It's a selective process where a man picks a woman to use as his punching bag. That's what I was. I was an emotional, physical and spiritual punching bag for three years and not one person who could have helped did until finally the thing clicked in for me and it did click in for me. And I'm really lucky. But I keep thinking about the hundreds and hundreds of women who are out there who it's not clicking in for because they don't have the papers, they don't have the records, they don't have what I had.

It's got to be more cohesive. There's got to be -- Police have to start recording domestic violence calls separate from -- Now you can't -- When you--when I went up to get my records about, the records of the police calls, I couldn't get them. Domestic violence calls are filed with street fights. I mean, for Gail at the police station to find any kind of records, she

had to literally go through months and months and months checking every call that had anything to do with a fight, because they're all filed the same.

Officers don't know, for instance, this is not the first call or the second call or the third call, this is the 150th call. And at some point, when a pattern starts to develop, that woman is stuck. That woman, it's impossible for her to do anything. She's already terrified. When there's a pattern -- Once that pattern starts to develop for the police, then they act. They should charge. They should charge immediately. They should take him out of the house instead of taking her to Anderson House. What we need is a house for abusive men to be taken to, not a house to take women and children to.

It's very, very -- It was very, very difficult -- Well I flatly refused. I decided that I would rather die in my home than continue running to Anderson House every time he threatened me because I was being threatened every day. So it was -- That can be changed. There's got to be some way to be able to remove these guys from --

Okay. So the police --

I think, okay, from my experience now there's -- I've been in court a few times. The court process itself, like Dick Hubley was wonderful with me. I've been with other clients when Dick Hubley couldn't be so wonderful because he didn't have the evidence. He had -- I mean, as a domestic violence case, I was a classic and I had it all down on paper. I was God's gift to Dick Hubley at that particular point in time with this case because I had--he had the evidence, he could build a case and he was just so happy that finally--that finally he had somebody there. We spent hours going over it all and lining it up and fitting--him fitting what he knew about my case because of my writing and stuff into other cases he'd seen and pulling it together and making a pattern for himself. And I was very, very pleased.

The police officers who were the -- The two officers who were the investigating officers on the case, they had been trying to get Dick to do something for months before he did--before hearing the tape and move.

But, again, I don't know. You can't change the amount of evidence a case has. You can't change that. I think that, as far as I'm concerned, the Crown Prosecutor's office - and this is across the board with

everyone I work with and myself - that I have no complaints. I've heard other people say different but in my experience, I have no complaints.

The judge -- The judicial system itself, the court thing, in all of the times the judges are being more aware. They are opening up. Because of the time I spent in court, I used to just get mad when I heard that somebody had walked after from one of these cases. But you sit there and you realize not only does the judge have to -- You don't just have to make a decision. I mean, it would be really easy if you could sit up there and go, go to jail for the rest of your life, you're a scum. But you can't do that and I'm coming to understand that more. So a lot of my anger at that part of the system is gone because I think -- I've noticed really, to tell you the truth, in the last seven months, there's been a tremendous change. There's been a lot more awareness. Some judges were very good right from the beginning. Some judges are getting better. But that's it.

I don't know for -- The thing--the other thing I'd like--the other point I'd like to make is if -- I don't know how it could be done but somehow domestic violence cases have to be noted somehow in family court. Because the process is -- I mean, everybody that works with battered women, every bit of information I've read - I'm probably the most well-read person on Prince Edward Island about this subject by the way - everything I've ever -- It doesn't stop. It'll never stop. I will be in court with him until my child is 18 years old. That's the pattern. It goes on. Once they have no access to the woman, then they go for the kids. Because that's a way of hurting. It's just a way of hurting.

And it's very, very difficult for me. This man abused my older child. He beat him and I didn't know that until my son's counsellor got on the stand during the first hearing after he got out of jail for visitation. And I didn't know that. My son had told my counsellor and asked his counsellor not to tell me because there was nothing I could do about it. But now he's working on getting access to a baby, to a kid.

This man--this man doesn't deal with anything. He doesn't deal with his anger. If--I could do something that would make a normal human being angry and he wouldn't get angry. But three months later, he'd walk in the door and punch me in the nose because he didn't like the colour of the shirt and during the beating all

of this little stuff would come out. This is not a man I would trust around a two year old; they're very difficult.

And it's -- You've got people in mediation. You've got women who've been abused for 10, 15, 20 years going through mediation. I've got a client who was assaulted in mediation twice. And it's got to be tied -- If we're going to go with an adversarial system, once it's been established that two people are definitely adversaries, for whatever reason, then that should be considered in further legal matters. I don't know how that could be done.

COMMISSIONER: In very capsule form -- You see, I have to make recommendations how the system could be improved upon. ... What should I recommend?

JANET: What would I recommend? Okay. I thought about this a lot last night. In fact, most of the night. I was up most of the night thinking about this.

But I -- The thing that has to be done is there has to be force put behind a court order. When a judge sits upon this stand and hears evidence and decides there should be a no contact order here, there's got to be some way to make that enforceable. In domestic violence, it's very important. Because every time, every single, solitary time the police go to a woman's house, every single, solitary time they get away with violating the court order, the danger for the woman increases because they get cockier. Because they get--it gets worse. The violence gets worse. It got to the point where I didn't want the police called any more because the next time it would be worse for me. And it was very, very progressive. And there's got to be a way of making court orders --

I would like to believe that those judges have no idea how ineffective those orders that they write because they take them very seriously. I know that from being in court. And they're worthless. They're as worthless as the police take them--make them. And they are -- I mean I had at one point my copy of my undertaking, I had it framed and I had it hanging on the wall right inside my door so it was there for them to see. But that piece of paper is invaluable if you can find a police officer who will take it seriously.

But the frustration is it was Gary Clow who phoned me crying. The Justice of Peace decided she didn't have to hear any evidence. So what could he do? You know, he was convinced that I was going to die. This police

officer - and we were talking about it quite openly at that point - he was convinced that I was next. And here he had the piece of paper, he had the order, he had the guy, he had witnesses to me standing there screaming for help and she didn't want to hear the evidence.

Now I don't mean -- That could be fixed. I don't know how about what recommendations may about--go about doing it but that should be fixed. ...

The other thing is the police. Back at the level of the police. If--if there has been 80 calls to a house, the officer that is going there the 81st time should know. There's got to be a way where that could be on file. For one thing, for officer safety. You know, if you've got a history of--of--of that--well, they're crazy; this is their Friday night regular drinking, this is the way they party, that's one thing. But if you've got -- There's got to be a history. There's got to be stories behind these people for--and again for protection, for both, for the woman and the police officer.

We need -- There's got to be more education.

COMMISSIONER: For who?

JANET: The whole kit and caboodle. ... I'm talking about police officers, parole officers, probation officers. Actually probation is doing quite well. They've got--they're taking it upon themselves. I notice that at every information session, there's representatives from probation there. They're doing quite a good job on their own. ...

Judges. Judges have to sit down and do some time--spend some time talking to victims. Talking to coherent -- It's got to happen. It's got to happen. They're getting it, they're getting the point, they're getting better. But they're --

Domestic violence has nothing to do with anger. And as long as the justice system insists on viewing it like that it becomes a crime like another crime.

You know what, Judge McQuaid, if I had of been my car instead of me and he had of done to my car what he did to me on any one of 50 occasions, he would have gone to jail the first time. That's the reality. That's where we are.

I have wonderful, intuitive, sensitive, wonderful police officers who talk to me about how hard it is to arrest a man, to take him out of the home. Don't take my daddy. With the children screaming. And that's wonderful that these guys are this sensitive. I wonder if -- My -- Do they go through this every time they arrest somebody for drugs or for car thieves? Do they think about -- Why? Why is it so hard for a police officer to arrest a man for beating up a woman, his wife, you know, when it's not for anything else?

It's education. It's got to -- People have to be educated. You don't have to educate everybody. You have to educate the ones who are educatable, because some people aren't. It's a very -- This is a very hard issue because it cuts so close to the bone with so many people.

Statistically, statistically optimistically eight--1 out of 8 men beats. Beats his wife and children. And/or, whatever. It's very difficult to sit in a room full of RCMP officers when you know that statistic. Because there's a real good chance that one of those one in eight is in there. It's the same when you go to present to the family law reform thing. You're sitting there in a room full of people and you're pretty darn sure that you're fighting somebody who intellectually probably abhors the thought of what you're saying has happened to you. I've had men say, My God, he should be shot, all this, and they do it. But it's a justifiable thing.

It's something that nobody -- No woman ever believes it's going to happen to her. I said a month before we started having a relationship, I was talking to a woman friend of his and I said to her it would never happen to me. And it can and is happening all the time. And it's getting more and more serious.

And I think that if--to make--to make this system work -- I mean, Carrie McMurrer died because of my block theory. She died because everybody didn't quite do their job good enough. Everybody did their job but nobody did it quite good enough. The pieces didn't connect for her.

When--when you call--when I call because he's violated the undertaking or he's violated the -- And you've got a police officer, well there's nothing we can do, we can't find him. They sure as hell found him real quick after he shot her, didn't they? No problem finding him then. But they tell you over and over -- I heard it a hundred time. Can't do anything, he's not here. You

know -- And I've said that to police officers. You'd find him quick enough if he killed me. You know, no doubt in my mind. But everybody does their job but nobody does it quite good enough.

And the thing is it is going up. There's more violence. The--the statistics are going up all the time. Whether it's because more people are coming forward or whether it's be -- I think a lot of it has to do with pressure. A man who beats on a woman to get a sense of power is going to more likely to do it if he's just lost his job or he's not making enough money. As pressures in society increase, it's a problem that increases. It's very much connected.

I think it's education, I think it's -- I don't think that ever -- I mean, that a Justice of the Peace can make a decision not to hear evidence in a case like this is insane. It's absolutely insane. You call a woman in at 8:30 in the morning. They got her, the lawyer got her in at 8:30 in the morning, on a Saturday morning. And she wanted to be lawn bowling. God knows what she wanted to be doing but it wasn't sitting there. And so she decided not to hear anything. And that shouldn't be an option. If a police officer is standing there and he's got something that he wants to say about this case no Justice of the Peace or no judge should have the right to deny that man a chance to speak. He's there. He's been there, he's been on the street with that person with what's going on.

It's a matter of working together. It's got to be -- Instead of being interconnected less, it's got to become one block in this particular case. This is not a crime against -- This is a crime against one person and it's one person who's partner -- If you're a victim --

I wouldn't-- the thought of calling myself a victim when I--especially when he was first in jail, I just cringed every time. But I was a victim. I was selected. It was as if I was selected as this man's victim. And when I look back over the whole pattern, when I read my--my journal - and I'm trying to compile it now into some kind of--I'm trying to take all my journal notes and make them into something that is what happened. Just for people. To try to give people an understanding. I mean, I'm not a weak person. I'm not a stupid person. I'm not any of the things that I thought battered women were. I'm not any ---

And people say, well it would never happen to me. Baloney. If I decide in my mind that you are going to go through heck or hell or whatever, you're going to. If I spend enough time and enough energy into making any person in the world suffer, they'll suffer. And it's one person targeting another person. And that's a totally different crime than somebody who steals cars or somebody who gets drunk and shoots somebody in a bar fight. It's a totally different thing because the victim is selected; the victim cannot get away.

...

What I was thinking last night was the thing about in domestic violence there's got to be some kind of bridge between criminal law and family law. I think that in Carrie's case and in my case -- Well I am now the sole help for women who were battered who were going through the family court. And family court is an extension of domestic violence.

Very often my--in my instance, in October, this man filed for visitation. He filed his--he got his lawyer to put papers in. He offered at that time $150 a month maintenance. This man has never--he has never given me a living cent of support for this child that he loves and wants to take care of. Okay? He -- In October he filed a paper with the court that he was going to start paying $150 a month maintenance. He's never paid one cent. The day -- After the appeal was filed in the court, the day after his lawyer told him that the appeal was filed and was going through in this court, he came back to me through his probation officer and offered $100. And I said well, I'm not talking. It's between the lawyers, you know. It's -- The children become tools. It is very, very common.

I've worked with women. You see, if you're a woman who's been battered and all of a sudden--and you get out of the situation and all of a sudden you find yourself in family court going through a custody, you can't get a counsellor in this town. They won't touch you because they're afraid that you're manipulating them for -- So here we have a bunch of women who've been beaten regularly, intimidated, who are terrified. I have just talked to a couple of family court lawyers and my recommendation to them at this point in time is if a woman has not gotten counselling and she's been an abused--a victim of abuse, don't touch her when it comes time for family court because they can't -- You lose your powers of reasoning for yourself. You lose

your capability of taking -- You've lost, completely lost totally your self-esteem. Your picture of yourself does not exist. You get erased.

When I walked out of the court the day he was sentenced - and I could not believe the sentence that he got, I mean I couldn't believe the sentence that he got, it was very high. Okay? When the Crown Prosecutor asked me for my recommendation for sentencing, I didn't realize that he was serious. I didn't realize that I actually got to have a say in it. And I said well I want him to grow up and get married and have four children and live happily ever after somewhere away from me. And Dick said well I don't think we can do that and I said, well then, I want him hung. Because it's one of the two things. That's the only way you get out. That's the only way you get out.

And right now, in the work I'm doing, what I'm seeing is a bunch of women who've survived incredibly. You talk about not believing--about two months ago not believing what I say. You should hear some of the things I'm hearing from people and they're all true. This--my case is not outstanding. My case is, from what I'm hearing, the low end of the scale. But these women survive and keep their families intact. And three years down the road, all of a sudden they're in court fighting custody battles. Okay? Visitation and custody. It just goes on and on and on. Like I said, I'll be in court until my son is 18 years old with this guy.

And they're not--they don't pay. They're not supporting -- Most of these women are on welfare because they're terrified to take money from -- The thing about -- The one classic thing about all batterers is give them an inch and they'll take a mile. If you give--if you give on any little point, you're going to pay for it. So if you take money from them, you're going to pay for it and you're going to pay dearly for it. So most women try to cut the ties. Cut those ties. So most of them are on welfare, so most of them end up legal aid. There's no help for family court stuff in legal aid. They're too busy down there to -- They're too busy. You know, which is --

There's no--there's no--there's no counselling. A woman who's involved who has been battered who goes to Richmond house, you're not going to get help unless you've already attempted suicide. That's it. I've recommended twenty-seven women now for counselling. Not one of them has ever gotten the counselling.

And there's no help from the legal assistance. A woman who's living on welfare can't afford a lawyer. And this guy who's working for the government or whatever in the world they're doing, mine is making 17-something an hour. You know, he can afford lawyers. Lawyers' bills aren't doing a darn thing to him. Me, I'm lucky because Kent could take me on and could a really good job for me because I can do the work. I'm doing all the leg work that most people pay their lawyers to do, so I'm lucky. But there's not a heck of a lot of women who've lived through this stuff who are like me. I'm very unusual for this syndrome.

COMMISSIONER: Have you any comment on the efficiency of the court system in the way that it handles cases? I'm thinking of the time factor. From the time you laid your complaint to the time you get before the court till the time it was disposed of. Have you any comment on that?

JANET: Well, in -- Okay. It's long. It's long and it's hard. And I'll tell you the hardest part of the whole thing for me was that period between the time he was put into jail and his sentencing. Because it's very, very stressful in and out of court. But he did that. The process went along quite well but if you've got a guy -- Like I said, he just kept changing where he was going to be -- We'd go to court and the court dates were coming up as they were supposed to and, in the criminal part of it, it's great. In the criminal part of it, the timing was great. Now what lawyers do and how they play with the time, you see it's another form of harassment but if you've got -- Well, and that's very typical. That's what I tell my clients if they're involved in a criminal--in the criminal side of it is this is what they do. They go up and they change their election. You know, they'll keep pleading not guilty and then finally they plead guilty at the end. That's very, very common and that's how it usually works. And that's more stress. It's a tactic. It's a tactic. It's another -- It's abuse. But it's a tactic by--it's a lawyer tactic where in an adversarial system you --

But the court, the court -- To tell you the truth, the court, from the time I got together with Dick Hubley until the day of sentencing, that was the most stressful. That was the hardest time for me, because of the stress of re-living it all again. And you have to. You know, you have to go through it and you have to--or you've got no case.

But the court half of it was what I have least complaint about in the whole thing. There's a lot of big, big holes, there's a lot of big, big holes, there's--but not in the court system. The courts are getting better. I think a lot -- I know -- I'm noticing now that there's a lot of --

You see, when I was doing research for -- ... And the symptoms of abuse - okay? - are very, very clear but, unfortunately, for victims of abuse, they're exactly the same symptoms as you would expect, they're guilty behaviours. Guilty behaviours are one of the symptoms of abuse. And it's because this woman is thoroughly confused that it's all her fault. Her fault. So when you've got a police officer coming into the house and either I would be completely off the wall because I'd be that scared. I mean, I mean -- To show a policeman a bruise on your arm or a burn on your hand, it doesn't seem like much but if it took 15 minutes of torturing before that happened, that can do an awful number on your head. So I would either be right off the wall or I would be incoherent, completely incoherent, because it was so overwhelming or, if I was together at all, it -- I'm sure that they--I know that there were officers in my house who were thinking if I had to live with this, I'd hit her too. You know. I know it. I know it. You can feel it from them.

I remember one day a police officer went to--he put his hands up like this and I thought he was going to hit me. I was absolutely convinced that that police officer -- I jumped back across -- This is -- He just ran out the door. Okay? He went like that and it was a month later before I realized that the man had been taking a notepad and a pen out of his pocket but the vibration from him was so strong that you're lucky I'm not here that I was convinced he was going to hit me.

But you're--to get people -- Like I saw a judge the other day who, when the woman started telling her story, and it's a pattern you go back into when you start talking about it or incidents of it, you tend to revert back to how you were because you're dragging emotions -- You're reacting again emotionally to -- And this woman, I understood completely what she was going through, and what she was going through was a combination of being very defensive, because you--always in the back of your mind you're believing that there's a way to deal with it. If I do something right here -- You're walking on eggshells all the time because you really believe in your heart of hearts there's something you can do right that will save you.

So you're looking for that all the time; you're searching for it all the time. So there's a furtiveness mixed with a kind of really weird hyper energy. Fear. It's what fear does. But when you see the combination of the two of them - and I watched this judge reacting to this woman - and he made a comment about it and what he said was he found neither of them credible. But, you see, if he had of known a little bit more about abused women and what it's like for them and what their reactions are, he could have -- He was feeling her out, eh. He was asking her questions and he was feeling her out but he didn't know where to go. He didn't know what to look for. I can--I can -- I have women walk into my home - I work out of my house in my counselling - I have women walk into my home who are trying to use me. Okay? I now--because they've probably never been abused or they've been in a mutually -- I think all relationships are abusive, okay, by the way. I've been abused in my relationships and I've been abused before but they're--and there's a difference between abusive and this what I'm talking about.

But I think that women now, I mean, it's becoming the issue so I have them coming to me who are going through family court who want my help and my support and you realize within ten minutes that this woman has never been abused. She's trying to get Joe for everything she can get. And I can tell that in 10, 15 minutes with these women. So if I can do that, judges can do that. You know, there's -- You're always judging, you're always evaluating. And, I mean, in court it's all the time. You're playing the lawyers off, you're--you're -- It's like theatre. It is, it's really like theatre. And it's up to you, the judge, and the people who are watching to sort of try and get a feel of what's really going on. Like, underneath all of this stuff that's happening on the top, what's really going on.

And, like, I felt bad for this guy because I knew that he was judge, I knew that he knew there was something off but he didn't know where to go looking. But, if I can do that, judges can learn to do that.

Families -- I've worked with two family court--family lawyers here. They could do it now. You know. So it's not that hard. There are skills but people have to be willing to learn them, you know. And if someone --

I think that the most important part, the areas that really need the improvement -- The only thing from the court end of it is this thing about court orders.

Court orders are worthless. They're -- And it's--it's horrible because you know the judges really think they're doing the best they can do and I think that if they knew how useless they were, they wouldn't bother. It may be, you know, maybe the way to do it is to look at that whole system of -- I mean, I don't understand what a court order is or how or any of the technical stuff about it, but I think that if judges knew how worthless that piece of paper is that they would look at other ways instead of--instead of--maybe instead of putting an undertaking on a guy, put him in jail. You know, something. Unless it can be made clearer to the police officers and to the people who are hearing these cases and whatnot, these are very serious pieces of paper. You know, if judges -- I don't think that judges issue them like that. I don't--I don't -- I know there are cases when that's what we really wanted in assault cases where the victim and the support people around her, that's all you want is that order, that no contact order is all you want. But if it's not going to work, if it's not going to be enforced -- And it's almost jurisdictionally -- Like, it's almost the luck of the draw. It's almost which police officers come to the door what -- And then what Justice of the Peace is going to hear it. You know, it's the luck of the draw. And I was three years going around like this and this before my luck clicked in, before I got the right police officers and the right people on my side.

But, My God, when you're running around like I was, I mean, four months after he was in jail, four months after he was in jail I was walking uptown one day. And somebody was running, started running up the sidewalk behind me. I froze. I absolutely froze and I collapsed on the sidewalk and I started--I was crying uncontrollably. This man was in jail but that's how deep -- That's how deep it goes.

And it's really in too many levels, in too many parts of the system, the victim is being asked to do too much. And Victim Services is great for that. You know, for--for pulling it out of you. You know, the whole--the whole process of just getting to write a victim impact statement is an incredible help to--as a victim. That was one of the first things that Ellie and I did after the first charge was laid and it was--it was so empowering. Like, somebody cared. That's all. It was no big deal for anybody else to let me sit down and write that piece of paper but, My God, what a--what a--to be asked how I felt. Well, it took me a week to think about how I felt because that's how removed I was from my feelings at that point in time.

But to set up a system to empower--to empower the victim. Like, it's a complete imbalance in power in a--in a relationship like this. There's no--there's no--there's one person -- The woman is reduced to the level of the children. In most families, it's a father and a mother with the children underneath them in power base, okay. But in this situation, the woman is reduced to the level of the children or even lower if there's fear for the children there. Because I know--I know that at one point, at the very end of it all, I know that I got violent towards him in order to protect my son.

I remember one day throwing plates at him because he had the baby. He was going to bash the baby's head up against the doorframe, the sill, the sill of the door. And I remember when he went to--I grabbed the baby, put the baby into the dining room, ran into the kitchen, but the baby in the playpen in the dining room, ran into the kitchen and I had -- I was washing dishes and he, as he came through the door to grab the baby again, he had just had the baby by its feet going to smash his head, and as he went running for the baby again, he was going to kill the baby, you know, and I--I threw the kettle and plates and everything at him to--and drove him out, drove him out of the house.

But when you find yourself--you're reacting all the time. There's no--there's--you--there's no action, you lose all your ability to make action. All you are doing is reacting all the time. And what you--you're trying to react in the right way to survive. Your whole world is reduced to will I wake up tomorrow morning. And the way it is now, if there's too much on the victim, the victim cannot be expected -- The system -- I mean, if we're going to live in a society -- I was reading one day a society can be judged by how it takes care of its weak. And we're not taking care of our weak. We're not. We're throwing--we're throwing the women and children in these relationships, we're throwing them to the wolves and the wolves is the system of justice. That's--it's just the way it is.

I wish I could take you with me for a day, come and see the women and the kids that I work with and see children who go through unbelievable behaviour changes after they're given--after fathers are given visitation. Just--it's there and it's very, very real.

And I also realize at the same time there's a great danger because you cannot give--it has to be best interests of the child has to take precedence and if there's no real clear cut, it's very difficult. It's very, very difficult.

But I think the key are in the police end of it, the court order end of it. This--whatever the system is for the hearings on the orders has to change. It's got to change. If it's important enough to a judge to write this piece of paper, then that's got to be given enough importance that that piece of paper deserves its own day in court if it's an issue, if it's violated.

For that--that that police officers that you can get that order and he can come and stand out in your street and kick your door and--at 4 o'clock in the morning and the police come and say well, we can't find him. You find him. Don't tell me you can't find him. This is serious. This is very serious business. Because every time, every time they get away with something, it gets worse. They're getting more and more dangerous, you know.

COMMISSIONER: I was interested in your (unclear) or your comment that normally there's a father and mother up here and children down here. (unclear) But then in the situation which you describe, the mother is reduced to the level of the children or below. Now I'm (unclear) familiar with the words Wordsworth ...

JANET: ... I think the biggest crime of all is silence. The silence that's imposed on the victim. That we're--we're--you're ashamed. It's your fault. You're ashamed. If you had been a better wife, a better mother, a better cleaner, a better cooker, it would never have happened. And we are conditioned to believe that and we believe that. And I think--I think that that's what the system did for me, between Ellie and Dick Hubley and Judge Plamondon who believed -- You see, you're not believed. Nobody believes you. The police officers don't believe you. It's like two months ago you wouldn't have believed me. Nobody believed me. Nobody. Nobody all the way right down the line from the police officers to the Justice of the Peace who -- Nobody believed me that it was -- And to walk in to Kent -- Nobody, nobody believed me. And I think when Dick Hubley and Ellie--Ellie, Dick Hubley and Judge Plamondon who remanded him, I think that that was -- And I just thought it can't be. You can no longer be quiet because it's going to keep -- We have

to talk. It's not my shame. It should be his shame, not my shame. You know, there's no--there is no--no shame in being selected as a target.

And the other thing that I would like to say is it's very, very difficult - and I realized this when I was talking to the Mountie - it's very, very difficult to explain to a man exactly what physical intimidation means. I was talking to one of the Mounties after the first police session and he said, well I just don't understand why you didn't leave. And I said, well look at it this way. If you had a 300 lb. Sumu wrestler who moved into your house with you and started telling you what to do and you'd better do it right and every time you did it a little bit off, he'd beat you up, that's why you don't leave. Because you're going to die. You really believe you're going to die. But it's very hard for men to understand that concept. And as difficult as it is for women, I did not ever think that this could happen to me. I did not ever believe it could happen to me. I learned a very big lesson about making sure what comes out--when I say anything that I mean it because you often pull in I think what you need to know.

But it's a very, very difficult issue because it's--for one thing it's a male-female thing. So -- And males and females are adversarial enough anyway that, you know, in the whole run of the thing but --

But you've got police officers who are mostly men. And sometimes the women are worse. Some of the female police officers are less helpful to the victim than the males. That's another point. Interesting. Very interesting. They have very unsympathetic -- They believe that--women tend to believe -- Women are the worst enemies of victims of violence. Women are their own worst enemies. It's because of--in--we have taken on the responsibility and the role and believe it is our chore to keep families together. If a family breaks apart, it will often be the woman's fault in other women's eyes. Okay? Too many women believe it couldn't happen to them. Consequently, we've let it go and let it go and let it go because it could only happen to them, the non-smart ones, the non -- And the reality of domestic violence is I got out because I was poor. All the things that people would assume what would make me a prime candidate for it -- I was a poor woman who couldn't work anymore. So I had nothing to lose. But if I was a--a--a politician's wife and I had two children who were used to living a particular lifestyle, how do you leave? Where do you go? Are you

going to tell your 15 year old son you've got to leave, we're going to live in a dump down on Queen Street now because I can't put up with daddy any more?

You know it's a very, very--it's very hard. Very, very hard.

... I just thought of the -- Okay, the other end of it is--which is the family court counsellors. Okay? I -- There have to be rules set down about violence. We cannot do mediation. Mediation does not work in violent couples because of the power dynamics. Because there is no way for a third person to be able to guarantee to a woman who is terrified to open her mouth because she's going to get smucked in it on the way home in the car if she said the wrong thing or she's going to be subjected to -- There's no way of equalizing power in mediation. There's no way of doing it. There are some very, very good articles written on -- There's some very, very good research. It's got to be changed. You cannot mediate with violent couples. There's no way. You cannot -- It has to be a consideration. Domestic violence has to be a consideration. And I can think of a hundred ways that it should be considered in the family court process of that, with the counsellors and the home studies and all of this, the stuff that they do. But the most important is mediation. Because of mediation, women are being battered. Because of mediation, women are being battered. I have one client who was stabbed through the hand right after leaving a mediation session because she dared to disagree. So -- I have one woman who was assaulted in mediation. It doesn't work. It can't work. If you cannot guarantee that two people are starting from an equal place, you can't -- How can you mediate when -- If you're -- You can't mediate in an adversarial situation. If one person is bound and determined he's going to win, and if the other person is bound and determined she's not going to die, what's to mediate, you know?